
Appeal Decision

Site visit made on 3 December 2019

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd January 2020

Appeal Ref: APP/F2415/W/19/3237885

Site on Kimcote Road, Walton, Leicestershire LE17 5RR

- 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 Hunt against the decision of Harborough District Council.
 - The application Ref 19/01015/OUT, dated 19 June 2019, was refused by notice dated 19 August 2019.
 - The development proposed is two new semi-detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline. The application form indicates that all matters are reserved for future approval. Details of the layout for the proposed dwellings, which includes two semi-detached houses with access either side was submitted with the application for illustrative purposes only, but the Planning Statement indicates this level and type of housing proposed.

Main Issues

3. The main issues are (i) whether the appeal site forms a suitable location for development, having regard to the national and local planning policies; and (ii) the effect of the proposed development on the character and appearance of the area.

Reasons

Location of development

4. The site is a parcel of land directly adjacent to Kimcote Road, which is to the south of the village of Walton, which is designated as a 'sub-selected rural village' and the appeal site is therefore treated as being within the countryside. The appeal site is currently in use as an allotment garden and is enclosed by hawthorn hedging, trees and some post and rail fencing. Due to land levels it sits at a lower level to Kimcote Road and to the rear of the site adjoins pasture fields. Directly opposite the site are a number of residential properties.
5. There is little in the way of day to day services and facilities within Walton itself. The village does not have a bus service, although there is a public house and a village hall. In terms of shops / other services these are located within

- other settlements and the Council confirms these are not within at least 800m walking distance.
6. Paragraph 78 of the National Planning Policy Framework (the Framework) promotes sustainable development '*housing should be located where it will enhance or maintain the vitality of rural communities*'. Whilst paragraph 110, advises that applications for development should '*give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use*'.
 7. I note the appellant acknowledges that it is only 3.5 miles from Lutterworth and that future occupiers would not need to travel long distances by car and that cycle journeys would be comfortable taking some 15-20 minutes. Nonetheless, future occupants of the development would be largely reliant on the private motor car to access services and facilities.
 8. Furthermore the roads to Lutterworth including Kimcote Road which would be utilised to access nearby services and facilities are narrow, with the majority having limited footways and are unlit, which would likely to result in treacherous conditions for road users during the winter months or adverse weather fronts, whilst there is no nearby bus stops in the village, or acceptable walking distances to access public transport to Lutterworth. On this basis, the proposed development would not enhance or maintain the vitality of the rural community of Walton and would lead to the use of unsustainable travel modes.
 9. I acknowledge that the development would be located to the nearby village boundary and there are existing properties along Kimcote Road. Having had regard to the High Court judgement¹ regarding paragraph 55 (now paragraph 79) of the Framework, this physical location would not result in new isolated homes in the countryside that the Framework seeks to avoid. Thus, there would be no conflict with paragraph 79 of the Framework. Nevertheless, there would still be minor negative environmental and social effects arising from the location in terms of the use of natural resources and the accessibility of local services.
 10. Policy SS1 of the Harborough Local Plan 2011-2031, adopted April 2019 (HLP), sets out the spatial strategy for the district and to manage planned growth to direct development to appropriate locations, in accordance with the settlement hierarchy. Therefore, Walton falls within the definition of other villages, rural settlements and the countryside where development will be strictly controlled. Where rural villages and other settlements which do not meet the criteria for identification as selected rural villages, these are not considered sustainable locations for development and are at the bottom of the settlement hierarchy. They are considered as countryside and as such are assessed against policies GD3 and GD4 of the HLP.
 11. Policy GD4 of the HLP restricts new housing in the countryside. New residential development will only be permitted where housing on small sites of no more than 4 dwellings are within or physically and visually connected to settlements

¹ Braintree District Council v Secretary of State for Communities and Local Government & Ors [2017] EWHC 2743 (Admin)

and which meet a local need for housing of a particular type, including small dwellings for the elderly and starter homes, providing this has been evidenced through a rural housing needs survey or a neighbourhood plan. It also allows dwellings where it meets the needs of a rural worker, conversion of an existing building or rebuilding of an existing dwelling or is of an exceptional design. When assessed against the criteria in Policy GD4 the proposed development would not fall within any of those exceptions and there is no identified or evidence for local need which has been put forward, furthermore the application itself, sets out the proposed development would be for market housing.

12. For the reasons given above, I conclude that the proposed development would not be within an appropriate location for new housing, it would have poor accessibility for residents to access the necessary services and facilities, which would necessitate a greater reliance upon less sustainable forms of travel. It would be contrary to Policies SS1 and GD4 of the HLP, 2019. These policies, amongst other matters, seek to direct new development to within the defined settlement hierarchy; sustainable locations and strictly control new housing development in the countryside.

Character and Appearance

13. Walton is a linear village and the site is to the south of the settlement. Although there is existing 'ribbon' development on the opposite side of the road to the appeal site along Kimcote Road, these are set back from the highway and have good sized front gardens. There is no residential development which directly adjoins the appeal site, this is located some distance along Kimcote Road and Hall Lane and is of a limited scale. The site is enclosed partially by small fencing, but its overall appearance is of open nature, with trees and hedgerows contributing and defining the sites boundaries and its rural assertion which positively contributes to the immediate rural character. The appeal site currently enables substantial views of the fields and open countryside located directly to the rear of the site which enables it to provide a spatial gap of unbuilt development, providing a positive gradual entrance into the village.
14. The indicative layout shows that the dwellings would be positioned directly to front the highway and would be semi-detached. Although no details of height and design are provided the introduction of residential development at this location and built form within the appeal site would erode the characteristics, particularly of the hedgerow buffer and would interrupt and be at odds from the immediate settlement pattern, encroaching and eroding the countryside, particularly reducing the openness that characterises the rural setting of the area and the entrance to the village. I acknowledge it would broadly follow the existing field boundaries, nonetheless it would not be seen as being well-related to the existing spur of development and I consider it could not be justified as a logical extension to the settlement.
15. Therefore, for the reasons given above, I conclude that the proposed development would harm the character and appearance of the area. It would be contrary to Policy GD8 of the HLP, 2019. The Policy, amongst other matters requires that development achieves a high standard of design; being inspired by, respecting and enhancing both the local character and distinctiveness of the settlement; respecting the context and characteristics of the individual site,

street scene and wider local environment to ensure that it is integrated as far as possible into the existing built form.

Other Matters

16. The appellant contends that the appeal site amounts to previously developed land (PDL) based on an historic extract map, indicating a previous building was on the site. The Framework supports development that makes efficient use of land, through the definition of PDL, which includes land occupied by a permanent structure including the curtilage of developed land, however this does not go without being caveated. It also excludes land that is or was last occupied by agricultural buildings. The main parties differ on whether the site is/would amount to PDL. The evidence before me is inconclusive, but even if I were to consider the site amounts to PDL, the proposal would not make efficient use of land, given the harm I have found in respect of character and appearance, it would not maintain the area's prevailing character and so would not accord with paragraph 122 of the Framework.
17. The appellant makes reference to the site being technically in conflict with development plan policies but that the proposal would not undermine the Council's overall development strategy and settlement hierarchy due to the modest scale of development and would not set an undesirable precedent for future housing. The Framework clearly sets out the approach to plan-making and decision-taking in paragraph 11. Paragraph 12 sets out *'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan...permission should not usually be granted'*. For the reasons I have already set out the proposed development conflicts with policies within the HLP and, I have, in any case, reached my own conclusion on the appeal proposal on the basis of the evidence before me.
18. I note that local residents have expressed additional concerns about the proposed development, including increase in traffic, car parking, loss of privacy and views. However, the Council did not raise these points as reasons for refusal and I have no substantive evidence to support those concerns. Given my findings in relation to the main issues, it is not necessary to consider these matters in detail.

Conclusion and Planning Balance

19. I have found that the appeal site would not form a suitable location for development and the scheme would cause harm to the character and appearance of the area identified would be significant. Against this has to be the balanced factors in favour of the proposed development.
20. The provision of two additional dwellings would make a positive contribution to the Council's housing land supply when weighed in the overall planning balance, albeit that the contribution would be limited due to the quantum of development proposed. There would be a small social benefit in providing the two housing units. Economic advantages would also arise from the construction and occupation of the new houses and I also acknowledge the appellants comments on small local builders.

21. From the evidence before me, the Council can demonstrate a 5-year housing land supply. This has not been disputed by the appellant and I have no reason to disagree with the Council. I am satisfied that the totality of harm identified outweighs the cumulative limited benefits of the proposed residential development. Consequently, the proposal would not amount to sustainable development when considered against the development plan read as a whole.
22. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

KA Taylor

INSPECTOR