



Appeal Decision

Hearing Held on 29 October 2019

Site visit made on 29 October 2019

by Julia Gregory BSc(Hons) BTP MRTPI MCMI

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

Decision date: 09 January 2020

Appeal Ref: APP/F2415/W/19/3233195

Land at Coopers Lane, Dunton Bassett LE17 5LH

- 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 Richborough Estates Ltd against the decision of Harborough District Council.
 - The application Ref18/01818/OUT, dated 24 October 2018, was refused by notice dated 15 January 2019.
 - The development proposed is outline planning permission for up to 40 dwellings (Class C3) with associated access, landscaping, open space and drainage infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The scheme is in outline with only the means of access to be determined at this stage. Nonetheless, an indicative layout has been submitted along with a Strategic Landscape Masterplan on which the appellant places some reliance. I have taken these into account in determining the appeal, albeit that these details are illustrative of just one way that the site could be developed.
3. Since the application was determined, the Council has adopted the Harborough Local Plan 2011-2031 (LP). The Core Strategy and saved policies of the Harborough District Local Plan have been superseded. I have determined the appeal in accordance with the current development plan.
4. A S106 agreement dated 15 October 2019 was submitted as part of the appeal. I shall return to this later in my decision.

Main Issue

5. Having considered all the evidence, the main issue is whether the housing would be appropriately located taking into account the scale of the development, and the effect it would have on the character and appearance of the area.

Reasons

6. The dwellings would be sited on the north side of Coopers Lane, Dunton Bassett. The single point of access would be on Coopers Lane, with a footway created adjacent to it. The dwellings would be sited on land which is currently open countryside adjoining the northern extent of the built-up area of Dunton

Bassett, the nucleated historic core of which lies further to the south in Church Lane, Main Street and The Mount. The site comprises undeveloped agricultural land on the opposite side of the road from a row of frontage dwellings. The only residential development on this side of the road is a bungalow associated with farm buildings to the west.

7. LP policy SS1 sets out the spatial strategy for the District until 2031. Dunton Bassett is one of a number of villages identified in the plan as "Selected Rural Villages". Overall, LP policy SS1 specifies that there will be about 307 dwellings on non-allocated sites or on sites to be allocated in neighbourhood plans (NP) in total for the Selected Rural Villages. There is currently no NP for the village and the site is unallocated.
8. LP policy H1 identifies that a minimum of 40 dwellings should be provided at Dunton Bassett within the plan period to 2031 as part of the overall figure for the Selected Rural Villages. Planning permission has been granted for 3 dwellings at the village.¹ If a total of 40 dwellings were to be provided on the appeal site, the minimum figure would be exceeded by a small number. Because the figure is a minimum, exceeding it by 3 dwellings would not be significant.
9. LP policy GD2 (2) sets various criteria for development where it is on land adjoining the existing built up area. One of these is criterion (a) which requires that it should not disproportionately exceed the policy. This development, with the 3 already granted planning permission would not contravene that policy requirement. Furthermore, LP policy GD2 (2) criterion (d) requires its scale, individually or cumulatively with existing and committed development, to reflect the size of the settlement concerned and the level of service provision within that settlement. Because policy H1 allows for a minimum of 40 dwellings that criterion would not be offended.
10. The site has not been considered for development as part of the LP. Sites that would provide for a minimum of 40 dwellings are not allocated and are likely to require greenfield development. It is however anticipated that there will be a NP for Dunton Bassett provided within the plan period as a Neighbourhood Plan Area has been designated. This plan will contain allocations. Also, some alternative possible sites have been identified in the Strategic Housing Land Availability Assessment (SHLAA), but there are some constraints. I note however that the site for 3 dwellings was not identified before it came forward and so it does not follow that sites not shown in the SHLAA will not come forward as part of the NP preparation. In all these circumstances, I am satisfied that there is time and opportunity for alternative provision to come forward.
11. LP policy GD2 criterion (2)(e) requires that development is physically and visually connected to and respects the form and character of the existing settlement and landscape. LP policy GD5 also seeks to ensure that development is sensitive to its landscape setting and landscape character area.
12. Table D.22 Appendix F identifies that within the settlement hierarchy, Selected Rural Villages are suitable for rural development on a smaller scale than Rural Centres reflecting their limited services and facilities. Development should be primarily in the form of small-scale infill developments or limited extensions to help address economic, social or community objectives. This could include

¹ 18/00125/FUL dated 1 June 2018

- schemes to enable more social housing, small scale market housing and development aimed at meeting the needs of local people. The description of small scale infill developments or limited extensions strongly suggests that large single developments are not promoted.
13. The development would comprise up to 40 dwellings. It would not comprise small scale infill development as it would be an extension of a significant area of land amounting to some 3.5ha which is not confined by other development. There would be a significant degree of detachment from the core of the village and indeed from any significant development on the north side of Coopers Lane. Furthermore, although there are modern housing developments within Dunton Bassett, no part of the settlement demonstrates an estate of the size of 40 dwellings, with modern developments being more characteristically less than ten dwellings served by a single road. The size and location would lead to a lack of integration that would harm the character of the village.
 14. The character of the countryside is of predominantly open gently rolling pasture with medium sized fields, divided in places. It forms part of the National Character Area 96: Leicestershire Vales, the East Midlands Landscape Character Assessment area (5a) Village Farmlands and the Harborough District Landscape Character Assessment, Lutterworth Lowlands. The District Assessment determines that the smaller villages have a much lower capacity to accommodate development adjacent to their edges. Extensive development on a conspicuous site with intrinsic loss of open countryside would have a significant harmful effect on the character and appearance of the area and a loss of attractive views to and from the settlement.
 15. I acknowledge that this is not a valued landscape in terms of Paragraph 170 of the Framework. Nonetheless the rural landscape of which the site is part, with its open pastoral fields, hedgerows and small areas of framing woodland provides a pleasant strongly rural setting for the village. Paragraph 170 recognises the intrinsic character and beauty of the countryside and that is reflected in LP policies GD2, GD5 and GD8 which stress the importance of respecting and enhancing local settlement distinctiveness and setting.
 16. The dwellings in Coopers Lane have a somewhat stark appearance in the landscape from the approach along the A426, the Lutterworth Road but this style of development is not sympathetic to the historic core of the village. The land that would be developed is part of the wider landscape to the north and west of Dunton Bassett, which is continuous with few incursions of built development and with remnants of historic ridge and furrow, which although not rare, would be eroded.
 17. The built estate form proposed would be clearly apparent from the A426, from Coopers Lane, Broughton Lane and from the public footpath network including Y39 used for recreation in the field to the west and extending through the site and to the north. The suburban estate style development would significantly erode the sense of place when viewed from those areas. Furthermore, the development would be poorly related to the nucleated core of the village and existing development.
 18. LP policy GD2 (2)(f) seeks to retain as far as possible existing natural boundaries within and around the site, particularly trees, hedges and watercourses. I acknowledge that much would be retained and there could be significant planting with a buffer copse to the north and that planting, including

hedgerow planting, could soften the edges of development, but this would take a significant time to become effective and it would still amount to a large suburban layout at odds with its rural setting, contrary to the provisions of the LP already identified. There would also be the incursion of the access into the hedgerow on Coopers Lane and the hardening of the edge to the road with new footway replacing grass verge and cutting back of the hedgerow which would erode the rural character of the Lane.

19. There has been a previous development proposal which was refused planning permission and an appeal was dismissed.² This was for 59 dwellings. Although the current scheme would provide significantly fewer dwellings, which represents a substantial difference to the scheme, the appeal site boundary is the same and the overall extent of the built edges proposed of the development would be similar if the dwellings were more spread out. The development would still cause significant harm to the character and appearance of the area.
20. It would not respect or enhance the character or the distinctiveness of the local area and would not be successfully integrated into the landscape, with a loss of openness. The development would not be appropriately located taking into account the scale of the development and the effect it would have on the character and appearance of the area, and would be contrary to the LP.

Other matters

21. The Government seeks to significantly boost the supply of housing to address the national housing crisis. The development would provide up to 40 new homes. Of these, there would be 40% affordable dwellings on site as detailed in the Ss106 agreement.
22. There is an affordable housing shortage both locally and nationally. There has been a substantial shortfall of affordable housing provision against the objectively assessed need in recent years, with a backlog of 934 affordable dwellings, a shortfall of 74% against that required to be delivered in the District since 2011.
23. LP policy GD2 (2)(b) allows for development that is necessary to meet an identified district-wide housing need, or local housing need as evidenced through a housing needs survey or a neighbourhood plan adjoining the settlement. Nonetheless, this scheme is not put forward as supplying more than the LP requirement. Overall the quantum and mix of housing would comply with LP policy H2.
24. The number on the Housing Register has reduced significantly from 1053 on 1 April 2018 to 357 as at 1 April 2019 but this is explained primarily by a change to the Council's housing policy excluding those with no connection to the District other than in exceptional circumstances. There is also little affordable housing available for re-letting in the village in recent years, and considerable waiting times for properties generally in the District.
25. I acknowledge because of these factors there is a substantial need for affordable housing locally. I accept that it is desirable for there to be a sufficient quantum of development on sites to ensure that policy compliant affordable housing is provided. However, only a limited number would be

² APP/F2415/W/18/3216471

provided on this site. Although the provision of market and affordable housing should nonetheless be attributed considerable weight in determining the appeal, the contribution to the substantial need would not outweigh the harm that I have identified earlier.

26. The S106 agreement, in addition to the provision for affordable housing, makes provision for contributions towards bus passes, community facilities, healthcare provision, information display cases, library facilities, public open space provision and management, primary education, travel packs and payment of S106 monitoring fees. None of these matters are in dispute between the main parties. As I am dismissing the appeal for other reasons, I do not need to consider the S106 or compliance with the CIL Regulations further.
27. The officer report addresses many of the other matters raised in representations. These do not lead me to a different conclusion on the planning merits.
28. The application was recommended for planning permission by the Council officer. Nonetheless, this was before the previous appeal was dismissed and the Council has submitted substantial evidence to justify determining the proposal contrary to the officer's advice.

Conclusions

29. For the reasons given above I conclude that the appeal should be dismissed.

Julia Gregory

Inspector

APPEARANCES

FOR THE APPELLANT:

Tom Collins	Nineteen47
Jonathan Berry	Tyler Grange
Andrew Mogel	Tetlow King Planning
Oliver Marigold	Tetlow King Planning

FOR THE LOCAL PLANNING AUTHORITY:

Lance Wiggins	Landmark Planning
Mark Flatman	Liz Lake Associates

INTERESTED PERSONS:

Andrew Tyrer	Leicestershire County Council
Cllr Neil Bannister	Ward Councillor, Harborough District Council
John Roberson	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 LP appendix F-The settlement hierarchy
- 2 S106 coloured plan
- 3 Planning permission reference 18/00125/FUL and plans
- 4 Written statement of Mark Flatman
- 5 Leicestershire County Council Statement of Case
- 6 Leicestershire County Council Planning Obligations Policy
- 7 Leicestershire County Council CIL compliance statement