



Appeal Decision

Site visit made on 17 December 2019

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State for

Decision date: 23 January 2020

Appeal Ref: APP/Y2430/W/19/3238085

The Old Coach House, 26 Church Lane, Thorpe Satchville LE14 2DF

- 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 & Mrs Woodcock against the decision of Melton Borough Council.
 - The application Ref 19/00405/FUL, dated 23 April 2019, was refused by notice dated 10 July 2019.
 - The development proposed is change of use to form new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for change of use to form new dwelling at The Old Coach House, 26 Church Lane, Thorpe Satchville LE14 2DF, in accordance with the terms of the application Ref 19/00405/FUL, dated 23 April 2019, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16-63.1 CHANGE; 16-63.2 CHANGE; 16-63.3 CHANGE; 16-63.4 CHANGE received by the Local Planning Authority on 5 April 2019.
 - 3) Prior to the first occupation of the dwelling hereby permitted, the new boundary fence surrounding the amenity space for property 2 shall be constructed to a height of at least 1.8 metres above the ground level and shall be completed in accordance with the details submitted on the approved plan 16-63.2 CHANGE received by the Local Planning Authority on 5 April 2019 and once provided shall be permanently so maintained and retained at all times thereafter.

Main Issue

2. The main issue is whether the proposal would represent a suitable location for housing, having regard to relevant local and national policy relating to development in the countryside and access to services and facilities.

Reasons

Site and Policy Context

3. The appeal dwelling is described as a 'composite building' by the appellants, incorporating various extensions and alterations in a large, roughly L-shaped

layout. I saw on site that it was effectively laid out as a two-bedroom dwelling and a two-bedroom annex, with two main entrances, two kitchens and separate living areas, bathrooms and bedrooms, the two being connected only by a single internal doorway. In practical terms, two residential units already exist within the building which could be separated formally through the single step of blocking up the connecting door.

4. Policy SS3 of the Melton Borough Local Plan 2011-2036 (October 2018) (the LP) supports development in the rural area within or on the edge of existing settlements, subject to a number of criteria. The first of these is that the development must provide housing which meets a proven local need identified by either substantive evidence, such as a neighbourhood plan or community-led strategy, or a housing assessment or other evidence provided by the applicant. The Council points to conflict with this criterion, and to the proposed dwelling being in an unsustainable location where there are limited local amenities, facilities and jobs, and where future residents are likely to depend highly on the use of a private motor vehicle.

Need for housing

5. In terms of need, no formal housing assessment or neighbourhood plan has been undertaken. Instead, the appellants set out their local connections to the village and personal circumstances relating to the occupancy of the existing dwelling by two generations of the same family and a desire for independent living for each, whilst still enabling necessary care and support for older family members. I acknowledge these; however, the existing arrangements fulfil the care requirements in all but the dwelling being formally divided, which limits the weight I afford to these arguments. Similarly, whilst I have had regard to potential financial and legal predicaments which may arise for the present occupants in the case of the inheritance and sale of the existing property, these are ultimately private rather than public needs, and so I afford them limited weight in themselves.
6. The National Planning Policy Framework (the Framework) states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and policies should identify opportunities for villages to grow and thrive, especially where this will support local services, including those in nearby villages.¹ The appellants refer to the Council's Settlement Roles, Relationships and Opportunities Report (2015) (the SRROR) which shows 17 dwellings were completed in Thorpe Satchville between 1994 and 2014, less than one per year, and indicate that just one unit has been granted permission since 2014, that presently under construction on Main Street. The low rate of development in Thorpe Satchville would seem to me to run contrary to the aims of the Framework, as few new residents have been able to move into the village to help maintain local services, such as the public house which is presently closed.
7. I also note the evidence from a property website indicating generally limited availability of properties in the village for sale, and to the comments of interested parties pointing anecdotally to the benefits to the village of replacing a larger unit with two smaller ones. I accept the market assessment is but a snapshot at a single point in time, but the creation of two smaller units through this appeal would add to the mix of housing within the village and increase

¹ Paragraph 78

choice for prospective residents, however modestly. While this evidence is limited, it suggests to me that, at the very least, there is a residual need for occasional new development within the village to maintain its vitality, which would be addressed to some extent by the proposal.

Location and access to services and facilities

8. The village's facilities comprise a church, a village hall, play area and a car repair garage, and a bus stop within walking distance of the appeal site with a service every 2-3 hours between Melton Mowbray and Syston. I also note the potential re-use of an employment site in the village, though it did not appear operational at the time of my visit, and that broadband infrastructure has recently been introduced. These facilities would not meet all of the needs of residents, who would need to travel beyond the village for many employment, shopping and leisure purposes. Given the frequency of public transport, those trips would be mainly made by the private car. However, the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas² and reliance on the private car would not, in itself, be the only determinative factor of whether the proposal would amount to sustainable development, which must take into account all three dimensions – social, economic and environmental. My views in this respect accord with those of the Inspectors in the appeals referred to me at the Fox Inn³ and Burrough on the Hill⁴.
9. The Framework further recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby.⁵ The SRROR identifies connections between Thorpe Satchville, Twyford and Great Dalby, which have additional facilities including a primary school, convenience store and public houses likely to be used by residents of the other settlements. An additional dwelling would support services both in Thorpe Satchville and neighbouring villages, providing social and economic benefits in line with the aims of the Framework.
10. Moreover, given the physical layout of the existing dwelling, and the semi-independent living arrangements of the present occupants, I find it unlikely that the sub-division of the building would materially increase the number or length of car journeys undertaken, even if both dwellings were occupied wholly independently, whilst future residents could avail of the bus service within walking distance to reduce overall reliance on private modes of transport. In my view, any increase in car use would therefore be negligible, and would be outweighed by the social and economic benefits an additional dwelling would generate in terms of adding to the local housing stock and protecting and enhancing existing services and facilities through increasing the potential number of residents and adding to the use of local services, both within Thorpe Satchville and neighbouring villages.

Other Considerations

11. The Council also refers to conflict with the fourth criterion of Policy SS3, which requires development to be served by sustainable infrastructure and/or to provide new infrastructure or services to the wider benefit of the settlement. I

² Paragraph 103

³ APP/Y2430/W/17/3182368

⁴ APP/Y2430/W/15/3129077

⁵ Paragraph 78

am not advised what the Council considers sustainable infrastructure to be, but the existing building is already served by all relevant services, recently including broadband, and no new services appear to be required. To my mind, the continued use of existing infrastructure accords with the principles of sustainable development. Given these factors, and the small scale of the proposal, it would not be reasonable to require the proposal to deliver new infrastructure for the wider benefit of the settlement.

12. The appellants provide a number of Council and appeal decisions relating to proposed housing in Thorpe Satchville. Many of these pre-date the adoption of the current LP and so were considered under a different policy context, and had different circumstances to the scheme before me, which limits the weight I afford to them. The most recent appeal dates from March 2019⁶ and took the current policy context into account. The Inspector in this case indicated that no substantive evidence about housing need in Thorpe Satchville was presented, and that the site was not in a suitable location with respect to sustainable transport modes; however, I do not have all of the evidence before the Inspector on these issues, and so cannot be certain the situations are directly comparable. I have therefore considered the appeal on its own merits.
13. There are already two de facto dwellings on the appeal site, used as such, and so the change of use would have little tangible effect on, and would be in keeping with, the overall scale and character of the host settlement as required by Policy SS3. The proposal would replace one large four-bedroom dwelling with two smaller, two-bedroom dwellings, which would better accord with the overall housing mix sought under Policy C2 and meet a recognised need for smaller housing overall in the Borough. Whilst no indication is given of the Council suffering a shortfall in its housing supply, an additional dwelling would nevertheless add to the Borough's housing stock and assist, albeit modestly, in maintaining that supply.

Conclusions on main issue

14. Taking these considerations together, I find that the proposal would represent a suitable location for housing and would accord with the overall aims of Policy SS3 of the LP and would accord with the development plan taken as a whole. The proposal would also accord with the Framework in terms of the location of new rural development and would amount to a sustainable form of development.

Conditions

15. I have imposed the standard time limit condition and a condition specifying the approved plans, to provide certainty. A condition requiring the installation of a boundary fence to define the separated garden areas of the two dwellings is also necessary to ensure privacy for future occupants.
16. The Council has sought a condition to remove permitted development rights to undertake development under Classes A to E inclusive of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The reason given is to retain the overall character of the surrounding area and protect residential amenity. However, the Framework makes it clear that planning conditions should not be used to restrict national

⁶ APP/Y2430/W/18/3210466

permitted development rights unless there is clear justification to do so.⁷ Beyond the Council's brief reasons, I have no evidence to justify the extensive removal of permitted development rights sought. No external works are proposed, and given the layout of the dwellings, I am not persuaded that there would be a demonstrable risk to the overall character of the surrounding area or occupants' living conditions from works under permitted development. Accordingly, I have not imposed the condition.

Conclusion

17. For the reasons given, the appeal is allowed.

K Savage

INSPECTOR

⁷ Paragraph 53