The Planning Inspectorate

Appeal Decision

Site visit made on 28 January 2020 by G Sibley MPLAN MRTPI

Decision by V Lucas LLB (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2020

Appeal Ref: APP/Y2430/W/19/3238515
49 Main Street, Rotherby LE14 2LP

- 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 Richard Gennard against the decision of Melton Borough Council.
- The application Ref: 19/00512/FUL, dated 30 April 2019, was refused by notice dated 2 August 2019.
- The development proposed is for the conversion and extension of an existing outbuilding to create a single storey three bedroom dwelling.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:

   1) Whether the site is suitable for residential development; and

   2) Whether there is a proven local need for the proposed development.

Reasons for the Recommendation

4. The site is located off Main Street towards the end of a run of ribbon development along the street. The existing outbuilding is located within the rear garden for No.49. The dwellings along Main Street are typically large detached dwellings although there is some variation in the appearance and scale of the buildings. The character of the street scene is open and rural with the development typically set back from the roadside, although the development does become more tightly condensed closer to the centre of Rotherby.

5. The existing building is a single storey brick-built outbuilding located to the rear of No.49. The building is set within an attractive garden area against the boundary for No.49. There is a side entrance alongside the neighbouring dwelling which allows vehicular access to the outbuilding and this would be the main access for the proposed dwelling.

6. The proposed development would include the conversion of this building as well as a single storey extension to create a relatively large bungalow. The extension to the building would be constructed from Kebony character cladding.

7. Rotherby is identified as a Rural Settlement within Policy SS2 of the Melton Borough Local Plan 2011 – 2036 Adopted Development Plan Document and Appendices (2018) (LP). The policy states that unallocated windfall development should be within or adjoining the settlement, be for up to three dwellings and meet the criteria set out in Policy SS3. The proposal before me is for a single dwelling and is located within Rotherby. Therefore, within the remit of Policy SS2 the proposal could be considered as windfall development and a single dwelling would be in keeping with the scale and character of the host settlement.

8. Policy SS3 identifies seven criteria that development should achieve. The Council have specifically referred to two of the criteria and I shall now go on to consider the appeal proposal against them.

Suitable site for residential development

9. One of the criteria set out in Policy SS3 that the Council found the proposal would not adhere to requires development to be served by 'sustainable infrastructure'. The policy does not define 'sustainable infrastructure' and it is noted that the policy states that the development will be served by sustainable infrastructure and/or provide new infrastructure for services to the wider benefit of the settlement.

10. The National Planning Policy Framework (the Framework) notes 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] Brooksby is a similar sized settlement that has a number of facilities within it, including a college, and it is located a relatively short distance from Rotherby along Main Street. Hoby is a slightly larger settlement which is located further from Rotherby along Brooksby Road and has a church, public house and a village hall with a playground. Nevertheless, the services and facilities available within these settlements do not include a supermarket, Doctors surgery or school and they are therefore unlikely to be able to meet the day to day needs of the occupiers of the proposed dwelling.

11. Slightly further afield is Frisby on the Wreake which is a larger settlement which has a wider variety of services and facilities. There are bus services to this settlement as well as Melton Mowbray, which is a large settlement that can meet the day to day needs of residents. The bus stops are located on the A607 and the occupiers of the dwelling would have to walk along an unlit road that does not have a footpath to reach the bus stop. Whilst I acknowledge that paragraph 102 of the Framework notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas nevertheless it is likely that residents would be reliant on private car use to meet their day to day needs.

[1] Paragraph 78

12. The policy does not require development to provide new sustainable infrastructure for the wider benefit of the settlement, but it is rather an option to do so, which would of course be a benefit to any proposal. This is not the case in this instance, however I note the sustainable features of the property that the appellant has referred to including that it is intended to be an 'eco home' (with renewable energy solutions provided) and would have a type of electric vehicle charging point. However, future occupants would still be reliant on the limited infrastructure that is already available in Rotherby and the surrounding settlements unless accessing these facilities and services via the private car. Although not referred to in the decision notice, I also note that Policy IN2 of the LP includes provision for ensuring development is located where travel can be minimised and use of sustainable transport modes maximised. The location of the proposal and the lack of available alternative transport modes would not achieve this requirement.

13. Consequently, the occupiers of the proposed dwelling would be reliant on private car use to meet their day to day needs. Therefore, the site would not be a suitable location for residential development with regard to accessibility of services and facilities and the proposal would conflict with Policy SS3 of the LP in relation to its approach to new residential development in the rural area.

Proven local need

14. The other criteria of Policy SS3 that the Council found that proposal would not adhere to was that windfall development within a rural settlement must meet a proven local need that is supported by substantive evidence. Policy SS3 does not define what constitutes a 'proven local need' and thus it is a matter of judgement when the evidence is considered.

15. The appellant has referred to 'A Detailed Investigation into the Housing Needs of Hoby with Rotherby Parish'. The intention of the survey was to investigate the local housing needs of the residents of Hoby with Rotherby Parish. This included the settlements of Hoby, Brooksby, Ragdale and Rotherby. Whilst the survey did cover a wider area than Rotherby, the survey results identified the settlements where the respondents wanted the housing to be located.

16. The survey notes that it was produced to support the Neighbourhood Plan (NP). I understand that the NP has not progressed, and I have not been made aware whether the NP would have allocated any residential development within Rotherby.

17. The Housing Needs Survey identified a number of reasons for the new dwellings, including downsizing, family matters and a need for more land. The reasons given in the survey, in my view, reflect the personal circumstances of the respondents rather than what would reasonably be considered a genuine housing need.

18. The appellant themselves refer to their individual need to downsize but remain within the village. These are the personal circumstances of the appellant and I do not consider the statement from the appellant would be sufficient to meet the 'substantive evidence' requirement of Policy SS3.

19. The Council has referred to a recent appeal decision for four dwellings in Barsby which is also a rural settlement within Melton Borough (APP/Y2430/W/19/3237073). The Inspector in that case concurred that the

policy requirement should be supported by evidence of actual housing need rather than personal desire.

20. Additionally, no mechanism has been proposed that would ensure the occupation of the proposed dwelling would be restricted to someone with a local connection to Rotherby. Without such a mechanism in place, the dwelling would be available on the open market and would not necessarily meet a proven local need.

21. Therefore, I find that the appellant has not demonstrated that the proposal would meet a proven local need that is supported by substantive evidence. Therefore, the proposed dwelling would be contrary to Policy SS3 of the LP.

Other Matters

22. The site is partly located within the Rotherby Conservation Area (CA) which is characterised by ribbon development along Main Street where development has grown sporadically over time, with variation in the appearance of the dwellings along this street. A common feature is the use of red brick and slate roof tiles, although the colour of the roof tiles does vary in the street scene. The development is focussed along Main Street and feels compact and the village appears to have expanded organically over time. The proposed dwelling would be located to the rear of No.49 and would not be particularly visible from Main Street. The CA is focussed along Main Street and because the proposal would not be particularly visible from it, the proposal would preserve the character and appearance of the CA. The proposal would therefore be in accordance with policy EN13 of the LP in so far as it seeks to ensure developments within CA are consistent with the identified special character of those areas.

Conclusion and Recommendation

23. The proposal would provide a three-bedroom dwelling which would utilise an existing building and the Framework does give weight to the value of using suitable brownfield land within settlements for homes.[2] Whilst the proposal would require new built form, it would include the conversion of an existing building and therefore would contribute to the re-use of an existing building for residential use which would be a moderate benefit to the proposal.

24. There is no evidence before me that the Council cannot identify a 5-year housing land supply of deliverable housing, nevertheless an additional dwelling would help the Council to maintain this supply, albeit the delivery of a single dwelling would only provide a modest addition to the supply.

25. The proposed dwelling would incorporate sustainable energy generation and conservation methods in its construction which would be a minor benefit to the proposal. The proposal would also not cause harm to the CA or biodiversity, however a lack of harm in these aspects is neutral and does not weigh in favour of the proposal.

26. Nevertheless, the site would not be a suitable location for a single dwelling and substantive evidence has not been provided that shows the proposal would meet a proven local need. Therefore, the benefits of the proposal would not outweigh the conflict with the development plan, or the other harm identified.

[2] Paragraph 118

There are no material considerations that would lead me to a decision other than in accordance with the development plan in this instance.

27. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

28. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

V Lucas

INSPECTOR