
Appeal Decision

Site visit made on 11 February 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st April 2020

Appeal Ref: APP/F2415/W/19/3242344

Fir Tree Lodge, Ashby Lane, Bitteswell, Leicestershire LE17 4LS

- 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 C & Mrs S Barwick against the decision of Harborough District Council.
 - The application Ref:19/00575/OUT, dated 8 April 2019, was refused by notice dated 5 June 2019.
 - The development proposed is construction of one No. dwellinghouse.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal seeks outline planning permission with all matters reserved.
3. The appellant has submitted an Access Appraisal with the appeal, which did not form part of the planning application. However, the information did form part of a previously approved planning application, Ref:19/01600/FUL, for change of use and conversion of building to dwellinghouse. The site and building to which planning permission Ref:19/01600/FUL relates correspond with this appeal. The Council has had the opportunity to comment on the Appraisal during the appeal, but no comments have been received. I consider that no one would be prejudiced as a result of me accepting this information at the appeal stage. I have therefore determined the appeal on this basis.
4. As part of the appeal submissions, details of another, recently determined planning application at the appeal site were submitted. Planning application Ref:19/01910/FUL was granted planning permission for change of use, conversion and extension of building to create a dwellinghouse. Again, the site and building to which the permission relates correspond with this appeal and I consider that no one would be prejudiced as a result of me accepting this information at the appeal stage. I have therefore determined the appeal with these details in mind.

Main Issues

4. The main issues are:
 - whether the site is a suitable location for housing development;
 - the effect of the proposal on highway safety, with particular regard to access, and

- the effect of the proposal on existing hedgerows and associated biodiversity.

Reasons

Whether the site is a suitable location for housing development

5. The site is part of the residential curtilage of Fir Tree Lodge, comprised mainly of a detached outbuilding and large area of hardstanding. Access is currently provided off Ashby Lane. Due to the site being located around 0.4 km north of the built-up boundary of the village of Bitteswell, the site lies in the countryside for local planning policy purposes, although not isolated in terms of paragraph 79 of the National Planning Policy Framework (the Framework).
6. Policy GD4 of the Harborough Local Plan 2011-2031 (2019) (LP) states that outside of Market Harborough, Key Centres, the Principal Urban Area, Rural Centres and Selected Rural Villages (SRVs), of which Bitteswell is one, new residential development will only be permitted if it satisfies one of a number of exceptions listed within the policy, or it accords with Policy GD2 of the LP.
7. Policy GD2(1) of the LP supports development within the existing or committed built-up areas, Rural Centres and SRVs, subject to meeting certain criteria. Policy GD2(2) supports development adjoining the built-up areas and SRVs, subject to meeting certain criteria. It has been concluded above that the site lies outside the village of Bitteswell; and at 0.4 km from the built-up area boundary, I consider the site does not adjoin the built-up area of the village.
8. The exceptions for residential development listed in Policy GD4 are summarised as follows: housing on small sites which are physically and visually related to a settlement and meet a local need for housing of a particular type; housing to meet the needs of a rural worker; the re-use of redundant or disused buildings that results in an enhancement to the setting; the sub-division of an existing dwelling and a dwelling of exceptional design quality and replacement dwellings. The proposal does not satisfy either of these exceptions.
9. The site is approximately 1 km from the village centre. Paragraph 110 of the Framework advises that development should give priority first to pedestrian and cycle movements and second to facilitating access to high quality public transport. I have not been provided with details of walking, cycling or public transport opportunities in the area.
10. I observed that the road into the village from the site does not have any footpaths or streetlamps along the section between the site and the built-up area. As such, I consider walking as a mode of transport to access employment opportunities, shops, services and facilities would not be encouraged. However, I note that the topography of the surrounding area is relatively flat. As such, I consider future occupiers would be provided with access to opportunities to use cycling as a mode of transport to meet some day-to-day needs. Although I observed a few bus stops in the village, which indicates access to some public transport options, I have no evidence before me regarding bus services that would be available to future occupants of the proposed development.
11. Nor have I been provided with any details regarding the services, facilities or employment opportunities available in the village, or the surrounding area. My observations were that such facilities were limited in the village, eg a Primary School, a few Public Houses and a Church. Consequently, future occupants of

the proposed dwelling would have to travel to, at minimum, the town of Lutterworth, which is further from the site than the village, to gain access to a range of shops, services, facilities and employment opportunities required to meet most day-to-day needs.

12. I note that paragraph 103 of the Framework recognises and advises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In addition, paragraph 108 of the Framework advises that, in assessing applications for development it should be ensured that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the development and its location. In the absence of any compelling evidence to conclude otherwise, although I consider there would be some opportunities to use a bicycle as a mode of transport, I conclude that future occupiers of the proposed dwelling would primarily rely on use of a private motor vehicle to access the required employment opportunities, shops, facilities and services. As such, the proposal would result in reliance on an unsustainable mode of transport.
13. Paragraph 78 of the Framework advises that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. I acknowledge that future occupiers of the proposed dwelling could help maintain the rural community of the village by using facilities such as those I observed. However, the extent of support for such facilities from occupiers of one household would be limited. I therefore attach limited weight to this consideration.
14. In light of the above, I conclude that the appeal site would not be a suitable location for housing development and that the proposal would not accord with policies GD2 and GD4 of the LP.

Highway safety - access

15. The Access Appraisal concludes that the 85%ile speeds at the site are 48 mph for vehicles travelling in both directions. In addition, the Appraisal confirms that the minimum existing visibility splays are 160 m to the north and 215 m to the south. As such, the Appraisal concludes that the visibility available, in both directions, comfortably exceeds that required to match the prevailing 85%ile speeds.
16. In light of the Access Appraisal referred to, the Local Highway Authority concluded in respect of application Ref:19/01600/FUL that the proposal would have no material impact on the public highway. Furthermore, the access is currently used as a vehicle access by occupants of the host dwelling.
17. Bearing the above factors in mind, I consider that the proposal would not raise any highway safety concerns, nor would it result in a severe impact on the surrounding highway network, with particular regard to access. I therefore conclude that the proposed development would accord with policies GD15 and IN2 of the LP, and paragraph 109 of the Framework which, among other things, support development that provides safe access and advises that development should only be refused on highway safety grounds if the proposal would have an unacceptable impact on highway safety or the cumulative impact on the highway network would be severe.

Hedgerows and biodiversity

18. Bearing in mind the extent of the existing visibility splays, there would be no requirement to remove any existing hedges or trees along the front boundary of the site to secure suitable visibility splays. As such, I conclude that the proposal would not result in any loss of hedgerows or biodiversity. Therefore, the proposed development would accord with Policy G15 of the LP and the tenets of section 15 of the Framework which, among other things, seek to safeguard and minimise impacts on biodiversity.

Other considerations and the planning balance

19. As noted above, the Council has already granted both outline and full planning permissions for an additional dwelling on the site, fallback positions which the appellant contends should be given significant weight. The appellant also suggests that there would be no increase in the number of dwellings in the appeal proposal and the number allowed under permission Ref:19/01910/FUL. However, I have not been provided with any mechanism to prevent both the appeal proposal and either of the extant permissions from being implemented.
20. Consequently, should the appeal be allowed, as the appellant could potentially erect 2 dwellings rather than one, the resultant situation would generate a greater use of the private motor vehicle than either permission on its own. In addition, such an outcome could result in additional harm, eg detrimental impact on the character and appearance of the area. Therefore, without a mechanism to prevent 2 permissions being implemented, I attach limited weight to them as a fallback.
21. I acknowledge that the site is brownfield land and that utilising it for a dwelling would be of environmental benefit, as recommended in the Framework. In addition, the proposal would provide minor economic benefits, from the construction of the dwelling. The provision of an additional dwelling would also provide a minor social benefit. However, these considerations do not outweigh the harm I have identified in respect of the site location not being suitable for housing.

Other Matters

22. I note that the occupiers of the immediate neighbouring property to the rear of the site, Temple Cottage, raised concerns regarding the effect of the proposal on their living conditions. Given the planning permissions that have already been granted, I am satisfied that if the appeal was allowed, subject to approval of all matters reserved by condition, a dwelling could be accommodated within the site without having any harmful effect on the living conditions of the occupiers of Temple Cottage.

Conclusion

23. In light of all the above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR