



Appeal Decision

Site visit made on 10 March 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 May 2020

Appeal Ref: APP/K2420/W/19/3235944

Manor Farm, 2 Carlton Road, Barton in the Beans CV13 0DE

- 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 David Jackson - SW Jackson against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 19/00093/FUL, dated 13 December 2018, was refused by notice dated 15 July 2019.
 - The development proposed is demolition of existing agricultural buildings and erection of 8 no. 4 & 5-bedroom detached dwellings, with associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the appeal site would be a suitable location for the proposed development, having regard to the development plan and national policy; and
 - the effect of the proposal on the character and appearance of the area including whether the proposal would preserve the setting of the Grade II Listed Buildings at Manor Farm House and Yew Tree House.

Reasons

Location

3. Policy DM1 of the Hinckley and Bosworth Borough Council Site Allocations and Development Management Policies Development Plan Document (2016) (the DPD) and the National Planning Policy Framework (the Framework) set out a presumption in favour of sustainable development.
4. Policy 13 (Rural Hamlets) of the Hinckley and Bosworth Borough Council Core Strategy (2009) (the CS) confirms amongst other things that the Council will support development within settlement boundaries. The pre-text to Policy 13 classifies Barton in the Beans as a 'Rural Hamlet' and confirms that because of the limited services in such hamlets, development will be confined to infill housing development, local choice schemes and conversion of agricultural buildings to employment uses.
5. The Allocations plan in the DPD for Barton in the Beans shows that the appeal site is located outside the settlement boundary. Given the distinct location of

the site beyond existing dwellings on Carlton Road and outside the defined settlement boundary, the proposal would not constitute infill development nor would it meet any of the other criteria under Policy 13.

6. Given the above factors, the appeal site is located within the countryside. Policy DM4 (Safeguarding the Countryside and Settlement Separation) of the DPD includes amongst other things that to protect its intrinsic beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. Under this policy new build dwellings which are not associated with rural workers are not listed amongst the instances where development in the countryside will be considered sustainable.
7. In terms of the meaning within the Framework, the site is not isolated given its close proximity to other dwellings. However, there are no services or facilities within Barton in the Beans to meet everyday needs. The evidence before me indicates that the bus service to larger settlements including Market Bosworth and Leicester only operates on a bi-hourly basis. Whilst the closest of these, Market Bosworth, has services and facilities including schools, the distance from the appeal site means that occupants of the development would be unlikely to travel to them on more than an occasional basis by foot or bicycle. It is therefore likely that there would be a reliance on the private motor vehicle. These factors do not therefore persuade me that development of the appeal site would be particularly sustainable.
8. My attention has been drawn to developments at Yew Tree Farm and Sycamore Farm. I am not aware of the full circumstances under which the site at Sycamore Farm was developed. However, the site sits within the current settlement boundary. Part of the Yew Tree Farm site was outside the settlement boundary. However, it was occupied by a large commercial building and Paragraph 84 of the Framework encourages the use of previously developed land where opportunities exist. Annex 2 of the Framework confirms that land that is or was last occupied by agricultural buildings is excluded from this definition. The evidence before me also suggests that those sites also had a different immediate context with no listed buildings in close proximity. I am therefore not persuaded that the material considerations for the appeal site are identical to these other developments.
9. To conclude, the proposed dwellings would not be in an appropriate location and for the reasons given would be contrary to Policy 13 of the CS, Policy DM4 of the DPD and the Framework.

Character and appearance including the setting of Grade II Listed Buildings

10. Barton in the Beans is a hamlet characterised by residential development predominantly focused along Main Street and Nailstone Road. The surrounding farmland gives the settlement a distinctly rural character. Whilst more recent developments at Yew Tree Farm and Sycamore Farm have expanded the footprint of the settlement behind Main Street, the settlement retains a predominantly linear form.
11. The attractive three-storey detached dwellings at Manor Farm House and Yew Tree House are Grade II Listed Buildings. They sit in close proximity to the site and within the overriding linear alignment of the settlement. The farmyard and buildings on the appeal site correlate with the prevailing agrarian character on

Carlton Road which has historically formed the setting of these buildings and which adds to their significance.

12. The Hinckley and Bosworth Borough Council 'The Good Design Guide' Supplementary Planning Document (2019) (SPD) recognises amongst other things that Carlton Road provides a low density, landscaped approach to the village and sets out that the encroachment of dense domestic buildings on Carlton Road and around the junction where large farmhouses dominate will be avoided.
13. The number, density, bulk and scale of the detached two-storey dwellings combined with their associated garages, curtilages, brick walls close to the access point and cul-de-sac arrangement would be distinctly domestic in character. The development would be at odds with the rural landscape and predominantly linear form of the settlement. Whilst the developments at Yew Tree Farm and Sycamore Farm also deviate from the linear form, they are set away from the site and extend into land behind the buildings on Main Street. In contrast, the appeal site occupies a more visible position close to the boundary with Carlton Road. Even accounting for the retention of the existing hedge to the boundary with Carlton Road and the new planting which would be within the curtilages of the dwellings, it is unlikely the domestic appearance of the development would be disguised to the point that it would assimilate into the rural landscape.
14. The extent of a Listed Building's setting is not fixed nor is it necessarily limited to curtilage and relates to the surroundings in which an asset is experienced. Whilst there is a degree of separation between the appeal site and the Listed Buildings, they are visible within the same vista travelling into the settlement on Carlton Road. Even accounting for the position of the proposed dwellings set in from the boundary with Carlton Road, the development would detract from the setting of these listed buildings on this approach to the settlement by virtue of an increased domestic presence. The development would diminish the positive contribution that the rural surroundings makes to the settings of these assets and would have a negative effect on the way the assets are experienced within the public realm.
15. The appellant suggests the buildings on the appeal site are not of any particular architectural merit, that their removal would be an enhancement to the site and that they would no longer be under threat of neglect and gradual dereliction. However, even if the dairy business is no longer viable and the buildings were to fall into disrepair, I am not persuaded this justifies their replacement with residential development that would not positively reflect the rural characteristics of the area.
16. Overall, the proposal would not preserve the setting of the Grade II Listed Buildings at Manor Farm House and Yew Tree Farm. Having regard to the separation distances, intervening buildings and land, the proposal would result in less than substantial harm to the significance of the Listed Buildings. Paragraph 196 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
17. There would be modest public benefits through the provision of 8 dwellings towards the Council's housing figures, associated Council tax receipts and uplift

from the New Homes Bonus. There would also be limited social and economic benefits through the development of the site and the potential contribution of occupants to the community.

18. A draft heads of terms is before me confirming that 3 units of affordable housing would be provided. However, it is notable that the Council's Housing team confirmed that two-bedroomed units would be sought or a commuted sum. The dwellings proposed are four and five bedroomed dwellings and would not necessarily meet any identified need. Furthermore, a fully executed agreement setting out the terms of such a contribution is not before me. Any benefits that might be provided through the provision of affordable housing are therefore unclear and cannot be guaranteed. I can therefore attach only limited weight to this prospect. Even if a contribution could have been secured any public benefit would have been relatively modest given the scale of the proposal and relative level of contribution required.
19. However, I must attach considerable importance and weight to the desirability of preserving the setting of the Listed Buildings. Whether considered individually or cumulatively, the public benefits would not outweigh the less than substantial harm to the heritage assets that would arise from the proposal. I do not consider that there is clear and convincing justification for the harm to the significance of the designated heritage assets. The proposal would therefore be contrary to the Framework's policies concerning heritage assets, most particularly paragraphs 193, 194 and 196.
20. For the foregoing reasons, the proposal would have an adverse impact on the character and appearance of the area and the setting of the Grade II Listed Buildings at Manor Farm House and Yew Tree House. Consequently, in that regard, the development would be contrary to Policies DM1 (Presumption in favour of sustainable development), DM4 (Safeguarding the Countryside and Settlement Separation), DM10 (Development and Design), DM11 (Protecting and Enhancing the Historic Environment) and DM12 (Heritage Assets) of the DPD and the Framework.

Planning Balance and Conclusion

21. The Council acknowledges that it has a shortfall in terms of being able to demonstrate a 5-year housing land supply. In the circumstances the development plan is not up-to-date and paragraph 11(d) of the Framework is engaged.
22. I have found that the less than substantial harm to heritage assets would not be outweighed by the public benefits of the proposal. Consequently, this is a case in the context of paragraph 11(d) of the Framework where the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development. The benefits of the scheme, whether considered individually or cumulatively, are not such to outweigh the totality of harm I have identified. The proposal conflicts with both the development plan and the Framework when each is considered as a whole. There are no other material considerations that suggest the decision should be taken otherwise than in accordance with the development plan. Consequently, irrespective of the absence of a five-year supply of housing land, permission should be refused and the proposal would not represent sustainable development.

23. Therefore, I conclude that the appeal should be dismissed.

M Russell

INSPECTOR