



Appeal Decision

Site visit made on 16 March 2020 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd May 2020

Appeal Ref: APP/G2435/W/19/3243002

The Orchard, Charley Road, Charley, LE12 9YB

- 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 Lee Smith against the decision of North West Leicestershire District Council.
 - The application Ref 19/01500/FUL, dated 1 August 2019, was refused by notice dated 16 October 2019.
 - The development proposed is the conversion of existing garage to single dwelling with associated parking and sub-division of the existing residential curtilage.
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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 Issue

3. The main issue is whether the site is a suitable location for housing with particular regard to its accessibility to local services.

Reasons for the Recommendation

4. The appeal site comprises a detached quadruple garage and part of the rear garden of The Orchards, Charley. The proposal seeks permission for the conversion of the garage into a one-bedroom dwelling.
 5. The Council has set out a settlement hierarchy in Policy S2 of the North West Leicestershire Local Plan (2017) (LP), to distinguish between the roles and functions of different areas and to guide the location of future development. Charley falls within the 'Hamlets' group in the settlement hierarchy and lies outside of the Limits to Development. As such, the appeal site is situated within the countryside where development is limited to specific categories that are defined in Policy S3 of the LP.
 6. The proposal falls under category (d) of Policy S3, which is for the re-use and adaptation of buildings for appropriate purposes including housing. Policy S3 goes on to list six criteria that must be met in order for development in the countryside to be supported. Criteria (vi) requires the proposed development to be accessible, or to be made accessible, by a range of sustainable transport.
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7. Paragraph 103 of the National Planning Policy Framework (the Framework) states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Paragraph 84 of the Framework states that planning decisions should recognise that sites in rural areas may be found beyond existing settlements and in locations that are not well served by public transport, and that in these circumstances development should, amongst other things, exploit any opportunities to make a location more sustainable.
8. The appellant opines that there is a fundamental tension within policy S3 in that buildings outside settlement boundaries, are, by location, not accessible. Be that as it may, I find that the wording of Policy S3, and in particular criteria (vi), is consistent with the aims of paragraph 84 of the Framework.
9. In terms of distance, the site is approximately 2.3km (1.5 miles) from the eastern edge of Coalville, which is the nearest settlement to the appeal site. However, the directions one would follow to get to Coalville would follow a more circuitous route. As such, the nearest settlement is unlikely to be within walking distance given the length of the route, although Coalville and the other nearby settlements of Whitwick and Shepshed are within cycling distance of the appeal site. However, whilst I noted that the roads that link the site to the nearby settlements are largely straight with good forward visibility, the lack of footpaths or street lighting, and the speed with which vehicles might travel on the roads that have a 50mph or 60mph speed limit, make it unattractive as a cycling route after dark.
10. There is no public bus service in the vicinity and, consequently, access to and from the site would therefore be largely dependent on private cars to access services and facilities. There is nothing before me to suggest that the location could be made more sustainable.
11. Whilst I acknowledge that there is nothing in the Framework to suggest that the use of a private car would in itself make a development unsustainable, it is clear that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. For the reasons above, I am not persuaded that the site is well connected to the services and facilities that are provided within the nearby settlements, or that the proposed development is accessible, or will be made accessible, by a range of sustainable transport. Even if alternative schemes for an annex or a commercial use fall under the categories of acceptable development as listed in Policy S3, any such scheme would still need to satisfy the six criteria as set out in the policy. This includes the requirement that the proposed development is accessible, or will be made accessible, by a range of sustainable transport.
12. The appeal site is not isolated, in the sense that it adjoins existing buildings, and therefore paragraph 79 of the Framework, which has regard to the development of isolated homes in the countryside, does not apply in this case. Paragraph 118 of the Framework states that planning decisions should support the development of under-utilised land and buildings. However, there is nothing before me to demonstrate that the existing garage is under-utilised.
13. Details of a recent planning permission granted by the Council at New Chilcote Hall, Church Lane, Chilcote, Swadlincote¹ has been submitted. Permission was granted for the conversion and extension of a building to form a dwellinghouse

¹ Planning application ref: 19/00955/FUL

in the countryside. However, it would appear that the building that was the subject of this application was no longer in use, and that the conversion to a dwellinghouse made for a more efficient use of the land. In the appeal before me, it has not been demonstrated that the existing garage is no longer in use, and therefore the granting of planning permission at New Chilcote Hall is not directly comparable to the scheme before me.

14. The appellant has also referred me to Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order (GPDO), which allows the conversion of agricultural buildings to dwellinghouses, subject to certain criteria and restrictions. While this Class establishes the principle of conversion of unused agricultural buildings to dwellinghouses it does not make provision for, or establish the principle of the, conversion of residential outbuildings in the countryside. Proposals of this nature require full planning permission and would be assessed against the relevant policies of the development plan, as has happened in this case.
15. For these reasons, the proposal would conflict with Policies S2 and S3 of the LP and the Framework objective of maximising the use of sustainable transport modes.

Other Matters

16. Whilst paragraph 59 of the Framework refers to significantly boosting the supply of housing, the provision of one additional unit would make little meaningful difference. There would be a small social benefit in providing an extra housing unit, and economic advantages would also arise from the construction and occupation of a new house. However, these benefits are reduced by the distance of the site from local services and facilities and lack of sustainable transport options and as a result the environmental role of sustainable development would not be achieved.
17. I acknowledge that the appellant intends to plant trees along the northern boundary and that no objection has been raised by the Council on the grounds of visual harm. I also note that the scheme would include various measures to ensure that the dwelling was energy efficient and low carbon. However, these are neutral matters rather than benefits of the scheme.
18. The appellant has referred me to an appeal decision in Worcester² where one dwelling was allowed in a countryside location. I do not have the full details of this case before me but nevertheless the Council in the appeal, Malvern Hills District Council, was unable to demonstrate a five-year housing land supply and as such the Inspector attached very limited weight to the development plan policies that had regards to housing supply. This is not the case in this appeal, where the Council is able to demonstrate a five-year housing land supply. As such, the policy context in these two cases are not the same and I am therefore not persuaded that Worcester appeal decision justifies the proposal before me.
19. I have also been referred to an appeal decision in Suffolk³, which allowed the erection of a single dwelling. No details of the case have been submitted, and therefore I cannot be sure that the context of the Suffolk appeal is the same as for the appeal before me.

² Appeal ref: APP/J1860/W/15/3032650

³ Appeal ref: APP/J3530/A/13/2207355

20. My attention has also been drawn to several previous planning applications that have previously been refused by the Council. Full details of these cases have not been submitted, and therefore I am unable to be certain that the contexts surrounding these sites are comparable to the appeal before me. In any case, this appeal has been determined on its own merits.

Conclusion and Recommendation

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

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR