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## Appeal Decision

Site visit made on 26 May 2020 by G Sibley MPLAN MRTPI

**Decision by Chris Preston BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 June 2020**

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**Appeal Ref: APP/Y2430/W/20/3244220**

**Athelstan House, 1 Saxons Lea, Pickwell LE14 2PL**

- 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 Mrs Lucy Taylor against the decision of Melton Borough Council.
  - The application Ref: 19/00561/FUL, dated 17 May 2019, was refused by notice dated 30 August 2019.
  - The development proposed is described on the application form as 'proposal is to build a two bedroom dwelling with off road parking.'
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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 Issues

3. The main issues are:
  - Whether the site is suitable for residential development having regard to its location and proximity to shops, services and facilities and linked to this, whether there is a proven local need for the proposed development; and
  - The effect of the proposed development upon the character and appearance of the street scene.

### Reasons for the Recommendation

*Suitable site for residential development and proven local need?*

4. 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.<sup>1</sup> The Melton Borough Local Plan 2011 – 2036 (the LP) was adopted in 2018 and the development strategy reflects the aims of the Framework in that regard. Under policy SS2 the majority of new residential development will be directed

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<sup>1</sup> Paragraph 78

to the main urban area of Melton Mowbray. Beyond the main urban area, the majority of development is directed towards Service Centres and Rural Hubs, those being the larger villages with access to some shops and services, such as Somerby.

5. Pickwell is identified as a 'Rural Settlement' as one of the smaller villages which does not contain shops and services of its own. No allocated housing sites have been identified for Rural Settlements but policy SS2 allows for the development of unallocated windfall sites for up to 3 dwellings, subject to meeting the criteria set out in Policy SS3. Policy SS3 identifies seven criteria that development should achieve, relating to a range of matters. The first subsection of the policy states that the development should meet a proven local need, as identified in substantive evidence, for example within a Neighbourhood Plan, community led strategy or other evidence provided by the applicant.
6. Policy SS3 does not define what constitutes a 'proven local need' and thus it is a matter of judgement when the evidence is considered. The consultation response from Somerby Parish Council notes that there is a recent Housing Needs Survey (2016) for the Parish and that there is a need for 2 bed houses. However, the Housing Needs Survey has not been submitted with the appeal nor has evidence been submitted that the identified need within the Parish must be met in Pickwell. There are a number of settlements covered by Somerby Parish Council including Somerby itself which is identified as a Service Centre within the LP. Service Centres have been allocated residential development to help meet the Council's housing requirement over the plan period. The Council notes that there is a residual need for 44 dwellings in Somerby and that 69 dwellings have been allocated in the LP within Somerby. This allocation exceeds the residual need for the settlement as identified in the LP.
7. Consequently, it seems likely that the need within the Parish, as identified in the Housing Needs Survey could be provided for within the more sustainable settlement of Somerby. No evidence has been provided to indicate that there is a specific and proven local need in Pickwell. In the absence of such evidence the proposal would not comply with the first criteria of policy SS3 and, in the absence of a proven local need, development within Pickwell would be contrary to the development strategy set out within the LP.
8. It is a statutory requirement that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. As noted above, the LP was adopted as recently as 2018 and its policies are consistent with the Framework with regard to the approach to locating development in the most sustainable locations. Whilst the LP does allow for the possibility of small-scale windfall development in Rural Settlements policy SS3 provides the caveat that any development must be in response to local need. That caveat is an integral part of the development strategy because it limits development within villages that are less accessible or less well served by shops and services to that which is necessary to meet a defined need.
9. In the absence of a defined need the proposal would be contrary to the aims of the development plan and further residential development in Pickwell would be likely to result in unsustainable transport patterns with increased use of the

private car. Whilst there is a footpath along Pickwell Road, which connects the two settlements, the footpath is narrow and the road itself is unlit and I consider it is unlikely that residents would walk between the two settlements, especially during the winter months. There are bus services that pass through Pickwell but the bus timetable has not been provided, so it is unknown how regular the services are. Consequently, it is not known whether the future occupants could rely on the bus service to reach Somerby or other settlements to meet their day to day needs. Whilst 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.

10. Whilst a number of developments have been built within Pickwell, based on the information provided by the Council, these developments were approved prior to the adoption of the LP. Consequently, the planning policy position has changed which is a material consideration in the determination of this appeal.
11. Therefore, the site would not be a suitable location for residential development and there is no proven local need for the proposal. The proposal would be contrary to policies SS1, SS2 and SS3 of the LP which aims to direct residential development towards the most suitable settlements.

#### *Character and appearance*

12. The site is located on Saxons Lea which is a small modern development of detached dwellings within a cul-de-sac. To the east of the site is Athelstan House and the site in the same ownership as that dwelling. To the west of the site is a group of modern terrace dwellings as well as a larger detached dwelling that is accessed via a road off Saxons Lea and this development is known as the Paddock. The site is enclosed by mature trees and hedgerows to the rear and Athelstan House to the east. The site is an irregular shape that narrows towards the west of the site.
13. The dwellings along Saxons Lea are relatively large modern dwellings with wide frontages that have a shared appearance and material palette, although there is some variation in the architectural detailing on each dwelling. The modern terrace development appears to have been built at a later date and the dwellings do not match the appearance of the cul-de-sac development. The two developments appear disconnected because the terrace development faces away from the cul-de-sac development via a separate road and because they use different materials and architectural detailing.
14. The site does appear disconnected to Athelstan House due to boundary treatment that has been built around the site and the site has the appearance of an area of open green space or landscaping for the wider cul-de-sac.
15. The design of the proposed dwelling would mirror the design of the larger dwellings to the rear of Saxons Lea, albeit the dwelling and its plot would be narrower and smaller than those dwellings. Whilst the dwelling would retain the main architectural characteristics of the dwellings within the street scene, the scale and siting of the proposed dwelling would appear shoehorned into the site. Whilst the plot size would be similar to the terrace development at the Paddock, the terrace development and the cul-de-sac developments appear distinct and separate. The dwelling would be viewed as part of the cul-de-sac

development and when viewed as part of that development, the size and scale of the dwelling would appear out of context within the street scene.

16. Therefore, the proposed development would harm the character and appearance of the street scene and would consequently be contrary to policy D1 of the LP which looks to ensure that the siting and layout of development proposals are sympathetic to the character of the area. The proposal would also be contrary to the Framework which looks to ensure proposals are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

### **Conclusion and Recommendation**

17. The proposal would provide a single dwelling and whilst the Council can identify a 5-year housing land supply of deliverable housing, 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.
18. 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 an identified need. The proposal would also appear as a cramped form of development that would cause harm to the character and appearance of the street scene, contrary to relevant policies of the development plan. I give substantial weight to that harm. Therefore, the material considerations in favour of the proposal would not outweigh the harm and conflict with the development plan. 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**

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

*Chris Preston*

INSPECTOR