



Appeal Decision

Site visit made on 27 May 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2020

Appeal Ref: APP/K2420/W/19/3243667

Land west of Wrask Farm, Desford Road, Newbold Verdon LE9 9LG

- 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 Susan Birch against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 19/01049/FUL, dated 26 September 2019, was refused by notice dated 26 November 2019.
 - The development proposed is the erection of a single dwelling (three-bedroom bungalow).
-

Decision

1. The appeal is dismissed.

Background – Housing Land Supply and Development Plan Policy

2. There is no dispute between the main parties that the local planning authority cannot demonstrate a deliverable five-year supply of housing sites, and the Council accepts that its development plan policies in respect of the provision of housing are out of date. Paragraph 11(d) of the 2019 National Planning Policy Framework (the Framework) is therefore engaged.
3. There is also no dispute that the proposal conflicts with Policy DM4 of the 2016 Hinckley & Bosworth Site Allocations and Development Management Policies DPD (the DMPDP), in that it is not one of the types of development listed in criteria (a) to (e). However, Policy DM4 is more restrictive than the Framework in terms of the type of development that is permitted in the countryside and, given the housing land supply position, insofar as it restricts housing land supply it is therefore out of date. Although the policy's objectives to protect the intrinsic value, beauty, open character and landscape character of the countryside are consistent with the Framework, as the policy as a whole is out of date I afford the proposal's conflict with it limited weight in the overall planning balance. This is a matter which I deal with later on in the decision, although it is in fact not determinative to the outcome of the appeal.

Main Issue

4. Given the above context, and in particular as paragraph 11(d) of the Framework is engaged, the main issue is the effect of the proposal on the character and appearance of the countryside and, if any harm exists, whether such harm would be significantly and demonstrably outweighed by any

identified benefits when assessed against the policies in the Framework taken as a whole.

Reasons

Character and appearance

5. The appeal site is an approximately rectangular parcel of land lying within a larger plot used for equestrian purposes. It lies just outside the village of Newbold Verdon, from which it is separated by the B582 Desford Road which runs immediately to the south of the site. The proposal is to erect a three-bedroom bungalow, with private garden space to the front and rear.
6. Desford Road provides both physical separation and a change in character between Newbold Verdon and the surrounding countryside. To the south of the road is the built-up area which contains housing of a wide variety of ages and styles, although the part of the village closest to the appeal site is essentially suburban in character and appearance. To the north of Desford Road is mostly farmland, and long-distance views across the landscape give the area an open and rural character with significant scenic qualities. There is relatively little built development on the north side of the road, and the sporadic buildings in place are largely agricultural in character, albeit a small number are clearly self-contained dwellings varying in size but of more domestic appearance.
7. The difference in character between the two sides of the B582 is especially noticeable when approaching the appeal site from the direction of Desford, where the 20th century residential ribbon development on the south side of the road begins a considerable distance to the east of the appeal site. The north side, on the other hand, is predominantly agricultural in character, and has long and wide views over hedgerows and through field gates across the open farmland. Those few buildings on the north side of the road which are more obviously domestic in appearance tend, in my view, to be at odds with the prevailing rural character rather than in harmony with it.
8. The proposed dwelling would be modest in size and of a design which, with the use of appropriate materials, would not necessarily be out of place within the varied character of the settlement of Newbold Verdon to the south. However, Desford Road marks a distinct boundary, and the site is not within the urban settlement either physically or visually. Although the appeal site is screened to some extent by the surrounding hedgerows, the proposed development would still be visible from the surrounding roads and footpaths. It would represent the encroachment of an urbanising, or at least suburbanising, form of development into a sensitive rural area. This would have an adverse effect on the intrinsic value and open character of the countryside, and so would cause significant harm to the character and appearance of the countryside.
9. The proposal would therefore be contrary to Policies DM1, DM4 and DM10 of the 2016 Hinckley & Bosworth Site Allocations and Development Management Policies DPD (the DMDPD), which seek to deliver sustainable development which safeguards the countryside and which, among other things, complements or enhances the character of the surrounding area. It would also conflict with the requirements of the Framework, in particular Paragraph 127 which requires development to be visually attractive, sympathetic to local character and maintain a strong sense of place, and Paragraph 170 which seeks to ensure

that the natural and local environment is enhanced, including through recognising the intrinsic character and beauty of the countryside.

Other considerations

10. The proposed development would contribute to the supply of housing, and there would be economic benefits arising in the short term from the construction of the dwelling, and in the longer term from the future occupiers using and supporting local shops, businesses and other services. However, the provision of a single additional dwelling would give only a limited boost to the supply of housing, and given the small scale of the proposed development the economic benefits arising from the scheme would be modest. I therefore give these other considerations moderate weight in the overall planning balance.

Other Matters

11. The appellants look after rescued horses, using the existing buildings on the appeal site and its associated larger plot. It is suggested that the development is necessary to allow them to live on-site so that they can take on more horses, and provide better levels of care and security for them. However, no substantive evidence has been provided which demonstrates why on-site residential accommodation is essential, nor that there is a security problem which could not be resolved in another way. I therefore give this matter limited weight in the overall planning balance.
12. I recognise that the development would not cause significant harm to the living conditions of either the occupiers of the neighbouring dwellings or the future occupiers of the proposed dwelling. I also acknowledge that, had the development been otherwise acceptable, measures to ensure the provision of safe highway access could have been secured by condition. However, a lack of harm in these regards is not a positive factor in the scheme's favour, and carries neutral weight in the overall planning balance. None of these other matters raised alter or outweigh my overall conclusion below.

Planning Balance and Conclusion

13. For the reasons outlined above, it is not disputed that the 'tilted balance' set out in Paragraph 11(d) of the Framework) is engaged, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
14. I have found that proposal would cause significant harm to the character and appearance of the countryside, contrary to Paragraphs 127 and 170 of the Framework. This harm would significantly and demonstrably outweigh the aforementioned benefits of the proposal when assessed against the policies in the Framework taken as a whole. As such, having applied the balance set out in Paragraph 11(d)ii), the presumption in favour of granting permission does not apply.
15. I have also found that there would be conflict with DMDPD Policies DM1, DM4 and DM10. For the reasons I have already given, I afford the conflict with Policy DM4 only limited weight in the overall planning balance. Nonetheless, it adds weight to my conclusion that the appeal should be dismissed, and the proposal would conflict with the development plan as a whole.

16. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The other material considerations identified in this case, including the Framework, do not justify a decision other than in accordance with the adopted development plan.
17. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector