
Appeal Decision

Site visit made on 16 June 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2020

Appeal Ref: APP/Y2430/W/20/3244545

Land adjacent 32 New Road, Burton Lazars LE14 2UU

- 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 Pam Holden against the decision of Melton Borough Council.
 - The application Ref 19/00882/FUL, dated 7 August 2019, was refused by notice dated 29 October 2019.
 - The development proposed is demolition of existing buildings, erection of single dwelling and garage and creation of new access.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the appeal site is an appropriate location for new housing having regard to the development plan and relevant national planning policies; and
 - whether there is a proven local need for housing.

Reasons

Appropriate Location

3. Policy SS2 of the Melton Local Plan (2018) (LP) sets out that rural settlements such as Burton Lazars are suitable locations for new windfall housing where it meets a number of criteria set out in Policy SS3. This includes meeting a proven local need identified by substantive evidence, for example, within a Neighbourhood Plan, an appropriate community led strategy, a housing need assessment or other evidence provided by the applicant.
4. The appeal site comprises part of the grounds of a guest house located within the village of Burton Lazars. The village is largely located to the eastern side of Melton Road. The village has few services and facilities limited to a village hall, church and guest house and a daytime bus service for most of the week.
5. The nearest settlement with services and facilities is Melton Mowbray a few kilometres away; and whilst connected by a footpath, residents are unlikely to use this route on a regular basis due to the overall distance and as a large section of it is unlit.

6. Given this distance between the site and Melton Mowbray with more services and facilities together with the frequency of the bus service future occupiers would be more reliant on private motor vehicles to access services and facilities to meet their day-to-day need. However, this would be the situation for existing residents of Burton Lazars, and it is acknowledged in the National Planning Policy Framework (the Framework) in paragraph 103 that transport solutions will vary between urban and rural areas.
7. Notwithstanding the above, I find that the location of the proposed development and the accessibility to services and facilities would not be unacceptable. Future occupants would not be solely reliant on private motor vehicles as there is access to alternative modes of transport such as public transport and the footpath leading to Melton Mowbray.
8. As such, in this regard the site is an appropriate location for new housing in accordance with Policy SS2 of the LP and Policy SS3 insofar as it is served by sustainable infrastructure.

Proven local need for housing

9. Policy SS3 of the LP does not set out what constitutes a 'proven local need' and therefore it is a matter of planning judgement.
10. The appellant contends that the proposed development would allow them to improve the quality of the services and facilities for guests and increase visitor capacity at the guest house. This in turn would create additional employment opportunities for the local community. Although there may be some limited economic benefit, the full details of the proposals are not before me, furthermore, I cannot be certain that these improvements to the guest house would take place. Therefore, I give this matter limited weight.
11. I acknowledge the appellant's personal and business circumstances. Whilst I have given these matters careful consideration, I am mindful of the advice contained in the Planning Practice Guidance that in general, planning is concerned with land use in the public interest. It is probable that the proposal would remain long after the current circumstances cease to be material. For these reasons, I find that these factors do not amount to a proven local need for new housing.
12. As such, the proposed development would be contrary to Policies SS1 and SS3 of the LP which, amongst other things, requires there to be a proven local need identified by substantive evidence for new housing in rural settlements.

Other Matters

13. I acknowledge the proposed development would be designed to meet the Lifetime Homes standard providing accessible and adaptable housing to meet the needs for ageing or disabled persons. I also acknowledge that the scale and appearance of it would not undermine the character and appearance of the area or affect views, and that there would be no ecological impact, loss of agricultural land, increased risk of flooding, undue harm to the living conditions of nearby occupants or highway safety. However, these matters do not outweigh the conflict that I have identified.

Conclusion

14. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR