



Appeal Decision

Site visit made on 8 July 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 August 2020

Appeal Ref: APP/Y2430/W/20/3251230

Little Covert Farm, 15 Main Street, Normanton NG13 0EP

- 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 Richard Hopkins against the decision of Melton Borough Council.
 - The application Ref 19/00066/OUT, dated 7 January 2019, was refused by notice dated 24 October 2019.
 - The development proposed was originally described as 'the erection of 5no dwellings on brownfield land.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with the matters of access and scale to be determined at this stage. During the course of the application, the number of dwellings proposed was amended from five to three, and it is on this basis that the Council determined the application. I have duly considered the appeal as being for three dwellings, and have regarded details relating to the appearance, layout and landscaping as being for illustrative purposes only.

Main Issue

3. The main issue is whether the proposal would be in a suitable location for housing with regard to (i) the accessibility of services and (ii) proven local need for housing in Normanton.

Reasons

Site and Policy Context

4. The appeal relates to an area occupied by agricultural buildings to the rear of the existing dwelling and ancillary buildings of Little Covert Farm, located on the main street through the village of Normanton. The appeal scheme proposes to replace the agricultural buildings with three dwellings, reached by a new access road from Main Street through an adjacent field.
5. The development plan for the area is the Melton Borough Local Plan 2011-2036 (October 2018) (the MLP). Policy SS2 sets out the settlement strategy for the area, based on a hierarchy with some 65% of the identified housing need directed to the main settlement of Melton Mowbray and 35% directed to smaller Service Centres and Rural Hubs. Beyond this, Rural Settlements

including Normanton will accommodate a proportion of the housing need through small unallocated 'windfall' sites which meet the needs and enhance the sustainability of the settlement. The appeal site is unallocated in the MLP.

6. Policy SS3 supports development in the rural area within or on the edge of existing settlements, subject to a number of criteria. The first of these is that the development must provide housing which meets a proven local need identified by either substantive evidence, such as a neighbourhood plan or community-led strategy, or a housing assessment or other evidence provided by the applicant. The Council points to conflict with this criterion, and to the proposed dwelling being in an unsustainable location where there are limited local amenities, facilities and jobs, and where future residents are likely to depend highly on the use of a private motor vehicle.

Local Need

7. In terms of need, no formal housing assessment or neighbourhood plan has been undertaken, and no substantive evidence of local housing need in the village has been advanced by the appellant. I have had regard to information provided relating to the appellant's personal circumstances. I understand that the proposed dwellings form part of the appellant's plans to retire from his existing farm and garden maintenance businesses and to continue an existing B&B business and provide care for an elderly relative. However, it is unclear from the evidence why development of the farm buildings is necessary to enable the appellant's existing commitments to the B&B and family to continue as they do at present, given they appear to be separate operations and there is no indication that the dwellings would be used as part of the B&B. Beyond concern that the unused agricultural buildings will fall into disrepair, the removal of which could take place without replacing them with dwellings, there is little before me to suggest that a specific housing need exists for the appellant or a family member which is not presently being met. Therefore, I afford limited weight to what are essentially private rather than public needs.
8. I understand the appellant's concern that a lack of development in Normanton may threaten its long term vitality, but Policy SS3 provides for development within such villages where local needs can be demonstrated and does not prevent any development being permitted. The Framework makes it clear that housing should be delivered in the most appropriate locations, which is reflected in the requirement of Policy SS3 to robustly demonstrate local need in lower order settlements which may otherwise be unsuitable due to their lack of services or accessibility. Moreover, the Council indicates that an identified need for small dwellings as a whole in the borough is met by permissions already in place and allocations within the MLP, matters not contested by the appellant. On the evidence before me, therefore, I am not satisfied that a demonstrable local need has been identified which would be adequately met by the proposed development, in conflict with Policy SS3.
9. In reaching a view, I have had regard to the appeal decisions referred to me by the appellant in Melton Borough, a proposal in Barsby¹ and my own decision on a proposal in Thorpe Satchville². My conclusions above on local need reflect the approach of my colleague in the Barsby appeal, and I concur with the point made that accepting personal needs as the level to justify housing in rural

¹ Appeal Ref: APP/Y2430/W/19/3237073

² Appeal Ref: APP/Y2430/W/19/3238085

settlements would undermine the overall plan-led approach to the location of new housing development. Thus, whilst I accept that new development within the village would help to maintain its vitality to some extent, in the absence of a demonstrated need, it would conflict with the overall spatial strategy for the Borough. As regards my decision in Thorpe Satchville, this related to a proposal to sub-divide an existing property already laid out as two dwellings and used as such, which I do not regard as comparable to the proposal before me and which does not alter my findings on the issue of need.

Location and access to services and facilities

10. I recognise that Normanton forms part of the wider parish of Bottesford along with Easthorpe and Muston, but I saw that Normanton itself is physically separate from Bottesford and has very limited facilities and no bus service. There is a large industrial estate to the north-east, though it is some 2.5 miles drive to access it. The physical location of the site adjacent to existing dwellings means the proposal would not amount to 'isolated homes' for the purposes of the Framework. However, the lack of facilities means that, to fulfil everyday needs, future occupants of the dwellings would be required to regularly visit the facilities in Bottesford.
11. The appellant's case focuses to a large extent on a perceived inconsistency in the approach of the Council to proposals for development in Normanton and Easthorpe, which lies to the south-east of Bottesford despite both having, according to the appellant, similar historic, geographical and demographic characteristics. However, Easthorpe is classed as a Rural Hub in the MLP whereas Normanton is a Rural Settlement and stands lower in the hierarchy, which distinguishes the two and is likely to be a factor in the approach taken by the Council to proposals in Easthorpe.
12. I have had regard to the evidence advanced by the appellant contesting the Council's approach to classifying the two settlements in the MLP, including misgivings about the Council's use of a 500m distance from services and facilities in assessing the sustainability of a settlement. However, it is not my role in this appeal to re-examine the evidence underpinning a recently adopted development plan which, from what I can see in the documents before me, appears to have been rigorously compiled and tested as part of the local plan process.
13. However, I recognise that reliance solely on stated distance thresholds may not be sufficient in every case to understand if a proposal is suitably located, and other site specific evidence must be considered. In assessing accessibility, the appellant refers to the Chartered Institute of Highways and Transport publication 'Providing for Journeys on Foot' (2000) which indicates a preferred maximum acceptable walking distance of 1200m for general access and 2000m for schools and that the Manual for Streets suggests a range of facilities should be located within 800m. Both of these documents are guidance, rather than policy, but they have been accepted as useful indicators in other appeals referred to me by the appellant, and given that 800m represents around a 10 minute walk, the stated maximums seem reasonable to me.
14. However, the appellant's own evidence shows the appeal site would be at least 1.1 miles (c. 1770m) from the nearest facility, the industrial estate on Rectory Lane, and further to other facilities, including the Co-op supermarket (1.3 miles/c. 2090m). The facilities assessed would take between 21 and 28

minutes to walk from the appeal site based on the appellant's own estimates. I saw that there is a continuous footpath along the route into Bottesford which is located along a verge and not immediately next to traffic, but it runs along an unlit road through open countryside where traffic travels at speed. From my observations, the route is not conducive to regular travel on foot and, although cycling would be more of a possibility, future occupants are likely to be heavily reliant on the private car to access services in Bottesford.

15. Moreover, the appellant's measurements show selected sites in Easthorpe to be as much as half a mile closer and a 10 minute shorter walk. I observed the route from Easthorpe into Bottesford and saw that development, though not continuous, was quite regular along its entire length, lending the village a degree of physical connection to Bottesford which Normanton does not have. The route also benefits from street lighting, albeit it is quite spaced out, and appeared to me significantly more amenable to walking into Bottesford in comparison to the route from Normanton. These differences further distinguish the two settlements and offer some indication as to why they are classified differently in the MLP. Given my observations, I am not persuaded that developments permitted in Easthorpe are comparable to, or justification for, the proposal before me, which I find on its own assessment would not be suitably located to access local services.
16. I also saw the recent development of dwellings on the Normanton side of the railway line. This has brought the built form of Bottesford closer to the appeal site, but services and facilities would remain the same distance away. Moreover, this development is adjacent to the built-up area of Bottesford and within a much shorter walking distance of its facilities, and therefore I do not regard it as comparable to, or supportive of, the proposal before me.
17. I have also had regard to the appeal decision referred to me in Brooksby³. However, this proposal included a quite different set of circumstances and potential benefits which were taken into account by the Inspector and were found to outweigh what was otherwise considered to be an unsustainable location for housing. The evidence advanced by the appellant in relation to the Council's subsequent decision making with respect to this site is limited but it appears not to be comparable to the circumstances of this appeal, and therefore it does not lead me to a different conclusion on this issue.
18. In reaching a view, I have had regard to the appellant's points regarding the subjectivity of assessments of walking distances and the difficulty in predicting the behaviours of future occupants. However, on the evidence before me, the proposed dwellings would be located in a village with no services to meet everyday needs and which would be located well beyond maximum walking distances as set out in well used industry guidance, meaning future occupants are very likely to use the private car for most journeys. I accept that the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, the proposal would not encourage walking or cycling and would conflict with the spatial strategy which indicates that the proposed dwellings should be directed to more sustainable locations. Therefore, the reliance on the private car is not unavoidable and weighs strongly against the proposal.

³ Appeal Ref: APP/Y2430/W/16/3150720

19. I accept that the presence of existing services on site would enable the development to continue use of existing infrastructure, and given the small scale of the proposal, it would not seem reasonable to me to require it to deliver new infrastructure for the wider benefit of the settlement as required by criterion four of Policy SS3, though this would not overcome the other identified conflicts with the policy.

Conclusions on main issue

20. Taking these considerations together, I find that the proposal would not represent a suitable location for housing and would conflict with Policy SS3 and the overall spatial strategy of the MLP. The proposal would also conflict with the Framework in terms of the location and accessibility of rural development.

Other Matters

21. The Council found that the existing agricultural buildings have limited visual merit and their replacement with the proposed dwellings would provide some visual benefits. I have no reason to disagree with this, though I saw on site that the buildings are well set back from the road and screened in part by hedgerows and trees, which limits their prominence in the street scene. Moreover, despite their lack of aesthetic quality, such structures are characteristic of countryside locations and not necessarily harmful in themselves. Accordingly, I afford limited weight to the enhancement to the character and appearance of the area.
22. No objection was raised by the Council to the effect of the proposal on the living conditions of neighbouring occupants, land contamination, ecology in terms of the effect on great crested newts, or highway safety in terms of the proposed access, subject to recommended conditions in some cases. On the evidence before me, I have no reason to disagree with the Council's conclusions, but the absence of harm in these respects is a neutral consideration in the planning balance.
23. Other appeal decisions have been referred to me by the appellant, however they relate to other local planning authority areas and on the basis of the decision letters, differ from the present appeal in terms of planning policy context, site circumstances, the nature of the development or the prospective benefits and harms weighed in the planning balance. As such, these decisions attract limited weight and have not altered my conclusions in respect of the main issue in this appeal.

Planning Balance

24. The appellant does not dispute the Council's stated ability to demonstrate a five year supply of deliverable housing land. I also consider that the policies most important to the determination of the application are in general conformity with the Framework. Given this, the 'tilted balance' of Paragraph 11(d) of the Framework is not engaged in this case, and the proposal falls to be determined against the development plan, taking account of other material considerations.
25. The proposal would deliver three dwellings which would add to the borough's housing stock and help to maintain the vitality of Normanton, but this would be a limited benefit in view of the modest scale of the proposal. There would be limited economic benefits from the construction of the dwellings, though this would be a temporary benefit, and from subsequent economic activity by future

residents. There would also be minor environmental benefits from removal of contaminants and potentially redundant farm buildings.

26. Set against this, the proposal would result in significant environmental harm through conflict with the spatial strategy, its distance from local services and facilities and lack of accessibility by means other than the private car. Consequently, the proposal would not achieve the three objectives of sustainable development set out in the Framework.
27. Planning law states that decisions must be made in accordance with the development plan unless material considerations indicate otherwise. I conclude that the identified harm arising from the proposal results in conflict with the development plan taken as a whole, to which I afford significant weight. The other material considerations in this case do not indicate that permission should be forthcoming in spite of this conflict.

Conclusion

28. For these reasons, and having regard to all relevant matters raised, the appeal is dismissed.

K Savage

INSPECTOR