The Planning Inspectorate

Appeal Decision

Site visit made on 21 July 2020

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2020

Appeal Ref: APP/A2470/W/20/3248355
Land at Main Street, Clipsham LE15 7SH

- 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 Mr & Mrs J Featherstone against the decision of Rutland Council.
- The application Ref 2019/1140/FUL, dated 9 October 2019, was refused by notice dated 24 December 2019.
- The development proposed is the erection of 3 dwellings.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

    - whether the proposed development would be in a suitable location for new housing; and
    - the effect of the development on the character and appearance of the area and whether it would preserve or enhance the character or appearance of the Clipsham Conservation Area.

Reasons

Location for New Housing

3. The appeal site is located to the edge of Clipsham and currently comprises paddock land. It is partly screened from Main Street by trees and hedging with a more open boundary to the side along Bidwell Lane and to the rear. An existing group of houses is located adjacent to the east and there is open countryside to the rear and the west.

4. The appeal site falls outside of the Planned Limits of Development for Clipsham and is therefore classed as being in the Countryside for the purposes of the development plan. Policy CS3 of the Rutland Local Development Framework Core Strategy (2011) (Core Strategy) identifies Clipsham as a restraint village which has a limited number of facilities and services. Policy CS4 states that restraint villages are not considered sustainable locations to accommodate further development unless it is development normally acceptable in the countryside. Accordingly, as a result of the limited nearby facilities and services, future occupiers of the proposed development would be largely reliant on the use of the private car to travel further afield to meet their daily needs.

5. Policy SP6 of the Rutland Local Plan Site Allocations and Policies Development Plan Document (2014) (SAPDPD) identifies the criteria to be met for new housing in the countryside to be supported. I have not been provided with evidence that would demonstrate that the proposal would meet this criteria.

6. Paragraph 78 of the National Planning Policy Framework (2019) (the Framework) highlights that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that where there are groups of smaller settlements, development in one village may support services in a village nearby. Clipsham is located between Stretton, Castle Bytham and Holywell. However, these all appear to be small settlements and I have little information before me relating to the level of services and facilities available in these locations.

7. I conclude that, based on the evidence before me and the above considerations, it has not been demonstrated that there are material considerations which would outweigh the conflict with the relevant policies of the development plan relating to the location of housing. As such, I find that the proposed development would not be in a location suitable for new housing. It would therefore fail to accord with Policies CS3 and CS4 of the Core Strategy and SP6 of the SAPDPD. Policy CS11 of the Core Strategy identifies the criteria for affordable housing, however the Appellants have clarified that the scheme would not be an affordable housing scheme but rather market housing at the lower end of the scale.

Character and Appearance

8. The appeal site is located within the westernmost part of the Clipsham Conservation Area. It is a prominent site within the street scene when viewed from Stretton Road. The Appellants have provided a Heritage Statement and I have taken the content of this into account in my consideration of the appeal proposal.

9. Along this side of Main Street, buildings are sporadic and set in small groups or individual properties with intervening land. Whilst the proposed development would reflect the form and layout of the properties on the adjoining site, the development of the appeal site would not provide an area of intervening land and would, to a degree, consolidate with the adjacent dwellings resulting in a larger cluster of housing. This would not respect the character of development on this side of Main Street and would erode the rural transitional nature and character of the immediate surroundings.

10. The appeal site is located on the junction with Bidwell Lane and is highly visible within the landscape when approaching from the west. The front boundary is heavily landscaped which would provide a significant amount of screening from Main Street itself. However, the side boundary hedging and trees do not provide a similar level of screening and therefore allow reasonable visibility into the appeal site.

11. Whilst the retention and enhancement of landscaping would serve to soften the visibility of the proposed development from the site frontage, the hedging and landscaping to the side boundary would allow reasonably clear views of the development, meaning it would be highly visible when approaching the village. They would fundamentally alter the character of this part of the village and introduce a reasonably hard edge, losing the gradual transgressions from a

rural to built form. I find that the presence of the paddock and the limited views of the nearby properties present a gentle transition at present.

12. The proposed design, scale and layout of the dwellings would reflect, to a certain extent, the properties on the adjacent site, which form a small courtyard of modest properties. The proposed dwellings would have a relatively traditional appearance and utilise local materials, including Clipsham Stone, which would assist to a degree with the assimilation of the properties into the village. I note the Council's concerns that the location of the chimneys and dormers and the need for drainpipes would be unacceptable, however I note the variety of designs in the village and do not find that these aspects would be so prominent or out of keeping to be fundamentally harmful in design terms.

13. The Appellants have raised concerns over the length of time that has elapsed since the Conservation Area Appraisal was carried out in 1979. Whilst this is a significant period of time and inevitably changes will have occurred within the Conservation Area during this time, the Conservation Area still comprises a number of examples of the typical local vernacular and the appraisal remains relevant.

14. Consequently, I find that the proposed development, as a result of the layout, its location and prominence, would fail to preserve or enhance the character or appearance of the Conservation Area. The development would therefore be contrary to the provisions of Policies CS19 and CS22 of the Core Strategy and SP15, SP20 and SP23 of the SAPDPD and the provisions of the Framework. These require all development to protect and where possible enhance historic assets and their settings, avoid an adverse effect on views into and out of the area, contribute positively to local distinctiveness and complement the character of the wider area, amongst other things. I find this harm to be less than substantial and accordingly this harm must be weighed against the benefits arising from the proposed development, in accordance with paragraph 196 of the Framework.

Other Matters

15. I have had regard to the examples of other appeal decisions provided by the Appellants and have noted their conclusions, including on matters of five year housing land supply, isolated development and the three strands of sustainability. However, I have been provided with limited details of the cases and as such I am unable to conclude that these are sufficiently comparable to the proposal before me to lead me to reach a different overall conclusion or outweigh the harms that I have identified.

Planning Balance

16. The Appellants have identified social, economic and environmental benefits of the proposed development to accord with the provisions of the Framework. In terms of economic benefits, I find that the provision of three new dwellings would provide some economic benefits in terms of employment during the construction period and some limited benefits in terms of additional demand for facilities and services.

17. The proposed dwellings would be reasonably modest in size and accordingly the Appellants consider that they would therefore be more affordable for a different demographic. This would be beneficial however I have been presented

with little evidence to suggest there is a proven need for this scale of housing in the area.

18. I note also that the Appellants own the site and therefore advise that it could be developed in a reasonably short timeframe to provide additional houses which I consider would be a benefit also. I note that the Council can demonstrate a five year supply of housing land and accordingly, whilst this does not represent a ceiling to development, the provision of such a small number of homes would not make a substantial contribution to the provision of new housing.

19. Consequently, I find that the identified benefits, when taken collectively, do not outweigh the harm identified in terms of the location of the development for new housing and the less than substantial harm identified in respect of the Conservation Area.

Conclusion

20. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

R Norman

INSPECTOR