
Appeal Decision

Site visit made on 28 July 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th August 2020

Appeal Ref: APP/Y2430/W/20/3252749

Rose Cottage, 16 Baggrave End, Barsby LE7 4RB

- 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 and Mrs Allan and Ann Palmer and Hefford against the decision of Melton Borough Council.
 - The application Ref 19/00071/FUL, dated 21 January 2019, was refused by notice dated 17 February 2020.
 - The development proposed is demolition of dwelling and erection of a replacement dwelling, demolition of outbuildings and erection of single storey dwelling and the erection of two garages/carports.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be in a suitable location for housing, with regard to the accessibility of services and provision of infrastructure; and
 - whether there is a proven local need for housing in Barsby.

Reasons

Suitability of location

3. The appeal site is located on Baggrave End in the village of Barsby and is located within Barsby Conservation Area (CA). It is located at the rear of the neighbouring properties that front on to the highway and it is accessed via a track in between the properties. To the south of the site is a paddock and beyond that is open countryside. The site contains a 2 storey detached dwelling known as Rose Cottage and various outbuildings, along with access to the adjacent paddock.
 4. The proposal includes the demolition of the existing dwelling and outbuildings. The largest of the proposed dwellings would be sited within the same location as the existing dwelling, although with a larger footprint. The proposed single storey dwelling would be sited to the northwest of the replacement dwelling, and the carports would be located to the north east. Each property would have its own private outdoor space and carport, along with a shared parking and turning area. The paddock land to the rear of the site would be retained, along with an associated access.
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5. Barsby is defined as a Rural Settlement in Policy SS2 of the Melton Local Plan (MLP) (2018). The Policy sets out the development strategy over the plan period and follows a settlement hierarchy approach. It states that Rural Settlements will accommodate a proportion of the housing need, to support their role through planning positively for new homes as windfall sites within and adjoining settlements, by the end of the plan period. The Policy goes on to state that this will be delivered through small unallocated sites which enhance the sustainability of the settlement in accordance with Policy SS3 of the MLP. The proposed development would be located on an unallocated site.
6. Policy SS3 states that the Council will seek to protect and enhance existing services and facilities and will support sustainable development proposals which contribute towards meeting local development needs, realising the vision and strategic priorities, and improving the sustainability of rural areas. The Policy also states that the development must be served by sustainable infrastructure and or provide new infrastructure or services to the wider benefit of the settlement.
7. There are limited local services in the village of Barsby, which would mean that future occupiers of the dwellings would be reliant on journeys to other nearby settlements, such as the villages of Gaddesby and Ashby Folville or other settlements, to access most day to day services. Given the distance to these villages and that most of the routes would be along unlit country lanes, it is likely that most of these journeys would be undertaken by a private motor vehicle, and as such the development would not be served by sustainable infrastructure.
8. Whilst I note the appellants have outlined what they deem to be the sustainability credentials of the proposal, including sustainable drainage, sustainable forms of energy generation and sustainable constructed methods where possible; the criteria states that the development will provide new infrastructure or services to the wider benefit of the settlement. No substantive information has been provided which would demonstrate that the development would provide new infrastructure or services, to the benefit of the wider settlement.
9. The appellants have made reference, to Paragraph 78 of the National Planning Policy Framework (Framework), in terms of the proposal being able to support services in a nearby villages. However, given that the proposal would only have a net increase on one dwelling, the benefits of this to the local services would be limited. In any case, there is nothing before me to suggest that the villages nearby have useful amenities or what services would benefit.
10. I acknowledge that Paragraph 103 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. While taking this into account, I consider the majority of journeys to shops, schools and employment or to satisfy other daily needs would be by private vehicle trips. The location of the appeal site would therefore, not offer opportunities to access services and facilities by sustainable transport modes. The proposal would therefore fail to accord with the Framework, insofar as it requires opportunities to promote sustainable transport.
11. The proposal would not be serviced by sustainable infrastructure, nor would additional infrastructure or services be provided. Therefore, the proposal would

be contrary to the requirements of Policies SS2 and SS3 of the MLP. These policies aim to direct residential development towards the most suitable settlements. The Council also made reference to Policy SS1 of the MLP, however, this is a general policy in line with the Framework and is less specific than those I have referenced.

Proven local need

12. The other criteria of Policy SS3 that the Council found that the proposal would not accord with, was that windfall development within a rural settlement must meet a proven local need that is supported by substantive evidence. Policy SS3 does not define what constitutes a proven local need, therefore, it is a matter of judgement when the evidence is considered for each proposal.
13. The appellants have referred to the evidence contained in various surveys surrounding housing need which have taken place locally. However, these have not been submitted as part of the appeal, nor has evidence been submitted that the identified need must be met in Barsby. In addition, the Council has stated that in the majority of the survey responses and the housing needs survey, that they are not specific to the localised area, and refer to the Parish, which includes Gaddesby, where there may be several sites available to meet housing need.
14. The submitted information by the appellants suggest that the two dwellings would be occupied by the same family. The main dwelling would be occupied by the family who have horses in the paddock to the rear, and the small single storey dwelling would be occupied by one of the appellants, and that this arrangement would allow for care of the appellant by his own family, whilst also allowing some independent living. I acknowledge the contributions to the village made by one of the appellants, which are commendable, as well as the local ties to the area. However, the proposal and the wish to reside in Barsby would more reflect a desire and personal circumstances, rather than what can be considered to be of necessity for housing. Therefore, I do not consider the statement from the appellants would be sufficient to meet the requirements of Policy SS3.
15. The Council has referred to a number of recent appeal decisions¹ which were dismissed for reasons including local need, including one in Barsby. Whilst I note that the appeals submitted by the Council were different in terms of the proposal and circumstances in each decision, however, the findings of the decisions were similar in that the inspectors concluded on similar matters regarding request for housing needs, (including downsizing and being closer to land or business, reflecting desire and personal circumstances, rather than a required need for housing).
16. The appellants state that they have no objection to the imposition of an ancillary tie for the proposed dwelling, which could be imposed by means of a condition. However, the submitted plans clearly show the single storey dwelling being a completely separate residential entity, with a separate rear and front garden, entrance path and parking area to that of the two storey dwelling. Therefore, the single storey dwelling would not be dependent on the main property. In addition, the single storey property would be a relatively large

¹ Appeal references APP/Y2430/W/19/3237073, APP/Y2430/W/19/3238515, APP/Y2430/W/20/3244220, APP/Y2430/W/20/3246348

property, which would not be considered to be a form of ancillary accommodation.

17. The appellants have stated that the Council has recently approved a scheme in the village of Ashby Folville for 2 single storey dwellings² and that there was no occupancy restriction or tie placed on the approval. As well as these 2 properties being justified in an SS3 location due to the Parish Housing Need Survey and that the personal case made was local connections, downsizing, care for family member and the paddock to the rear. However, I do not have full details of these approvals to determine if they are directly comparable. In any case, each proposal must be determined on its own merits and within its own context.
18. Consequently, there is no proven local need for housing within Barsby of sufficient weight to weigh in favour of the appeal. Therefore, the proposed development would be contrary to Policy SS3 of the MLP. This Policy, amongst other things, requires development to meet a local need identified in a Neighbourhood Plan or appropriate community-led strategy, SHMA or economic needs assessment.

Other Matters

19. The appeal site lies within the CA and there are 2 Listed Buildings in relatively close proximity to the site namely, White Cottage and Dairyand Old Oak Cottage which are Grade II Listed. As such, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as my duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the special architectural and historic interest of the listed buildings affected, and their settings.
20. The Council determined that the existing dwelling and outbuildings are of no architectural merit and their demolition and removal would result in a minor enhancement to the character of the area and the conservation area. It also stated that the proposed dwelling would sit well amongst the existing built form, being of a design that reflects the character of the wider village. Overall, the development would reflect the character of the conservation area and the wider setting within which it sits. I have no reason to disagree with this assessment. Therefore, the significance of the CA and the setting of the Listed Buildings would be preserved.

Planning Balance and Conclusion

21. The proposal would make a contribution towards the supply of housing as a windfall site and would add to the sustainability of the settlement. Whilst I note that small sized sites can make an important contribution to meeting the housing requirement, given that the proposal would only have a net increase of one dwelling, the benefits of this would be limited. In addition, Policies SS2 and SS3 are not unqualified in regard to allowing development in Rural Settlements. This counts against the proposal for the reasons that I have set out above.

² Planning application reference 20/00421/FUL and 18/01435/FUL

22. I note that the appellants have stated that the intention would be to construct the dwellings using sustainable building methods and incorporate sustainable energy generation. The proposed development would also result in a visual improvement to the site with the removal of the outbuildings, which would be a minor benefit to the CA. The appellants have also stated that the site would make effective use of land to meet the needs for homes, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
23. The other aspects in support of the proposal set out by the appellant include that it would be acceptable in terms of residential amenity, would be served by a safe access and that no evidence of bats or other protected species were found. However, the absence of harm in these respects would be neutral in the planning balance.
24. In relation to the adverse impacts, there would be conflict with Policies SS2 and SS3 of the MLP as regards the accessibility of services provision of infrastructure and proven local need. The harm that would arise would be significant, therefore so would be the conflict with these Policies in the MLP. The weight attached to what are modest benefits from the proposal would be limited. Consequently, the benefits that would arise would not outweigh the harm that I have identified. Therefore, the presumption in favour of sustainable development under the Framework does not lend support to the proposed development.
25. Accordingly, the proposal conflicts with the development plan as a whole and there are no material considerations to outweigh this conflict. As such, for the reasons set out above, I conclude that the appeal is dismissed.

D Peppitt

INSPECTOR