



Appeal Decision

Site visit made on 7 September 2020

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 15 September 2020

Appeal Ref: APP/F2415/W/20/3245655

Land adjacent to Astley House, Back Lane, East Langton

- 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 I P Crane against the decision of Harborough District Council.
 - The application Ref: 19/01725/PIP, dated 4 October 2019, was refused by notice dated 28 November 2019.
 - The development proposed is described as 'permission in principle for four to six new dwellings'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have amended the address to include 'Land adjacent to Astley House' as this more accurately defines the appeal site. This corresponds with the address cited on the decision notice by the local planning authority and it concurs with the address cited by the appellant on the appeal form.
3. The appeal application is for permission in principle, as provided for in the Town and Country Planning (Permission in Principle) Order 2017 (as amended). The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle from the technical detail. Planning permission does not exist unless both the permission in principle and the technical details are approved. This appeal relates to the first of these two stages.
4. As the appeal does not relate to technical details, I have taken the submitted plans to be illustrative only – showing what the layout of the appeal site might look like if built on. Likewise, I have not taken the detailed description of the proposed development to be definitive and my decision relates just to the erection of a dwellinghouse. This is in line with the PPG's advice that the amount of residential development must be expressed as a range, indicating the minimum and maximum amount of new dwellings, which are, in principle permitted.

Main Issues

5. The PPG further advises that the scope of permission in principle applications is limited to location, land use and amount of development. Taking this into account and the Council's reasons for refusing the application, the main issues are whether permission in principle should be granted having regard to

- i) whether the proposed development would provide a suitable location for housing having regard to the settlement strategy; and
- ii) the effect of the proposal on the character and appearance of the surrounding area with particular regard to the setting of the East Langton Conservation Area.

Reasons

Settlement strategy

6. The appeal site is located at East Langton, a small settlement defined as a Selected Rural Village within the Harborough Local Plan 2011-2031 (2019)(LP). It does not appear that East Langton has a defined village boundary. LP Policy GD2 is permissive of development in certain circumstances subject to the site being located within or adjoining the existing or committed built up area of the village. It is the Council's case that this policy is disapplied by reason of the appeal site being divorced from the built-up area of the village.
7. East Langton is a modest sized settlement with a distinctive oval arrangement of roads at its centre that fan out to the north and south. Dwellings of varied types and forms are positioned around and within its oval centre. To the north, dwellings generally follow a linear form along one side of Main Street. This arrangement of dwellings together with high brick walls and narrow roads contributes a tightly knit character.
8. The appeal site is located to the side of Astley House, the end dwelling of a linear arrangement of dwellings positioned along Back Lane. The appeal site is situated at some distance away from the oval nucleus of the settlement with sloping paddocks and agricultural lands separating it from the settlement. Notwithstanding the proximity of neighbouring dwellings, in my view, these appear as a group that are distinctly separate from the built-up layout of East Langton. To my mind they are more readily viewed in the context of Astley Grange Farm as a pocket of development that is not uncommonly seen in the context of historically having accompanied the farming business.
9. Accordingly, I find that the appeal site does not form an area that adjoins the existing built up area of East Langton. In such circumstances, for the purposes of applying planning policy, the site is located within the countryside.
10. LP Policy GD4 states that permission will not normally be granted for new housing in the countryside unless exceptions apply. It has not been put to me that any of the exceptions would be applicable to the appeal proposal. Among other things, the aim of this policy is to protect the character of the countryside. This is considered further below.
11. Policy H1 of the East Langton Parish Neighbourhood Plan 2011-2031 (2018)(NP) sets out a broad level of housing growth within Church and East Langton. The accompanying guidance stipulates that windfall sites should be provided within or adjoining the settlement. Given my findings above, the appeal proposal would be in conflict with this requirement. However, the provision of new housing would contribute towards the housing target set out within NP Policy H1, which I am advised has not been achieved to date. Despite some conflict with the accompanying policy guidance, overall, I conclude that the proposal would broadly accord with the aims of NP Policy H1. This is a material consideration that weighs in favour of the proposal.

12. It is the appellant's case that there is very limited space remaining to deliver new housing within East Langton due to the majority of the settlement being designated as a Conservation Area and other protective designations. I have had regard to the plan provided by the appellant in support. However, in my view, whilst these matters may constrain new housing, I have seen nothing to suggest that new housing would be precluded in its entirety. On the evidence before me, I am not satisfied that East Langton is incapable of delivering any additional housing to meet the target expressed within the NP, particularly given that there is significant time remaining within the NP until 2031 to deliver these additional dwellings.
13. In light of the above, I conclude that the appeal site would not be a suitable location for a dwelling with particular regard to the settlement strategy. Thus, it would be contrary to LP Policies GD2 and GD4 and NP Policy H2. Among other things, these policies seek to focus development in appropriate locations in accordance with the settlement strategy for the district.

Character and appearance

14. Built development along Back Lane is varied and consists of a mix of dwellings, some with ancillary garages and outbuildings. Aside of this group of dwellings, the pattern of development along Back Lane is generally dispersed and dominated by large areas of agricultural land and countryside punctuated by a number of agricultural and commercial buildings that are not untypical of a countryside landscape. Nearby dwellings converted from farm buildings retain their original character and do not detract from the rural character of the area.
15. In contrast to the built up character to the north of the appeal site, Back Lane possesses a pleasantly open and semi-rural character. The roughly rectangular appeal site sits outwith but adjacent to the East Langton Conservation Area and comprises a relatively large, flat and gently sloping field/paddock. I find that the site makes a substantial positive contribution to the semi-rural character of the locality and it provides an important landscape buffer providing separation between the existing tightly-knit built up area of East Langton and the wider countryside and scattered development that lies therein. It makes a valuable contribution to the quality of the local environment and given its prominent position along the route of a public right of way and at the edge of Back Lane with its junction to Main Road, I consider that the appeal site is visually and functionally very important in relation to its contribution to the setting of the open landscape and the East Langton settlement.
16. The proposal would introduce built form into a presently open field. The development would dilute the green corridor leading out from the village which can be considered as part of the countryside character of East Langton as referred to in the East Langton Conservation Area Character Statement (CACS). The CACS observes that the majority of the western side of East Langton is land belonging to East Langton Grange, a large Edwardian house set within wooded areas that are considered to enhance the rural character of the conservation area.
17. Whilst views of the appeal site from Back Lane are presently obscured by existing vegetation along the site's boundary, the visual impact of the proposed scheme would likely be substantial in views through or over vegetation or through any likely driveway access, particularly given its prominent location.

These views would increase at times when vegetation is less dense, for instance, during winter months.

18. The submitted plans demonstrate how the proposed development could fit here, appearing as a continuation of the form of linear development along the edge of the road. The site is large enough to accommodate a low-density development which I accept could be designed to be respectful of local vernacular and to fit within the streetscene. However, given my findings above, the proposal would erode the open characteristics and landscape value that this site provides along with its relationship connection with the wider heritage value and landscape setting.
19. The proposed scheme would be readily visible from long distance views from the countryside to its rear boundary, from the neighbouring dwelling and the surrounding footpath network. To my mind, the proposal would be seen as an unwelcome intrusion or a harmful encroachment into the countryside. This position would be aggravated by the inevitable acquirement of outdoor furniture, domestic accoutrements such as washing lines and any likely means of enclosure and boundary treatments which would lead to additional visual clutter.
20. For the above reasons, the appeal proposal would inevitably lead to a significant urbanisation of this area of land when viewed from the highway, nearby footpaths and surrounding land in private ownership. From those positions it would be read as a dominant and incongruous feature that is out of keeping with the dispersed character of development along Back Lane and the semi-rural landscape of the surrounding area.
21. Accordingly, I conclude that the proposal would erode the setting of the East Langton Conservation Area and be materially harmful to the character and appearance of the surrounding area. In this regard, I find that the proposed development would cause less than substantial harm to the significance of the heritage asset.
22. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Whilst there is no statutory protection for the setting of conservation areas, paragraph 194 of the Framework requires that consideration be given to any harm to or loss of significance of a designated asset, which includes conservation areas, from development within its setting.
23. I am advised that the Council are presently able to demonstrate a five-year housing land supply. Nonetheless, the provision of additional dwellings weighs in favour of the proposal. The scheme would make efficient use of the land and generate a boost to the economy during construction and as a result of on-going use of local services and facilities by future occupants. However, in my view, these benefits would be modest and would be insufficient to outweigh the harm identified above.

24. Accordingly, I conclude that the proposed location, land uses and amount of development would erode the setting of the East Langton Conservation Area and be materially harmful to the character and appearance of the surrounding area. The proposal would conflict with LP Policies GD5, GD8, HC1 and NP Policies DBE1 and DBE3. Among other things, these policies seek high quality development that is sensitive to its landscape setting and character area that is required to preserve or enhance the character or appearance of a Conservation Area. In addition, the proposal would conflict with the Framework insofar as heritage and conservation assets are identified as an irreplaceable resource that should be conserved in a manner appropriate to their significance. It would also be contrary to the aims of the Framework insofar as development should contribute to and enhance the natural and local environment.

Other Matters

25. Reference has been made to a number of developments for housing, including a development for some 17 dwellings¹. There is little information relating to the particular circumstances of that development. Moreover, the appellant advises that it is situated adjacent to the built-up area at Church Langton. This type of development would therefore appear to accord with the provisions of LP Policy GD2 and therefore its circumstances are not comparable to the appeal proposal.
26. My attention has been drawn to Astley House. The appellant suggests this dwelling is a more modern design that is uncharacteristic of the locality. However, rather than providing justification for the development in question, if anything, its presence points to a need for such proposals to be carefully controlled if the character and appearance of the area is to be safeguarded. Moreover, I have little information relating to the particular circumstances of this development and whether the circumstances are comparable to the appeal proposal. As such, a comparison is of limited relevance in this instance and I have considered the appeal before me on its individual planning merits.
27. If I had been minded to allow this appeal, issues relating to ecology, flooding and highway safety are matters for consideration at the technical details stage.

Conclusion

28. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

E Brownless

INSPECTOR

¹ Planning Reference 18/00904/OUT