



Appeal Decision

Site visit made on 7 September 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2020

Appeal Ref: APP/K2420/W/20/3253082

Village Farm House, Sheepy Road, Sibson CV13 6LE

- 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 Mrs Denton against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 20/00300/OUT, dated 16 March 2020, was refused by notice dated 14 May 2020.
 - The development proposed is the demolition of existing agricultural and commercial buildings and erection of 4 dwellings.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application has been made in outline form with access and layout for consideration. I shall deal with the appeal on this same basis.

Main Issue

3. The main issue is whether the site would be a suitable location for new housing development that would be in accordance with local and national policies.

Reasons

4. The development plan for the district includes the Hinckley and Bosworth Core Strategy 2009 (CS), the Site Allocations and Development Management Policies Development Plan Document 2016 (DPD) and the Sheepy Parish Neighbourhood Plan 2018-2036 (2019)(NP).
5. Core Strategy Policy 13 for 'rural hamlets' seeks to direct housing development to within settlement boundaries. Furthermore, Policy DM4 of the DPD seeks to safeguard the countryside and supports a limited type of development that aims to protect the intrinsic value, beauty and open character of the countryside. This policy explains that development in the countryside will only be considered sustainable if it satisfies a criterion within a restricted list. The proposed development would not meet any of these requirements. These policies are generally consistent with the spatial housing objectives of the National Planning Policy Framework (the Framework) in locating new housing where it can be well located and supported by the necessary facilities and infrastructure.

6. Furthermore, policy S10 of the NP informs that the settlement boundary of Sibson is defined by the DPD. The proposal would be beyond these defined limits. Policy S10 requires development to occur within the defined limits of the village and therefore be confined to infill plots. This policy also establishes that housing development outside the defined limits would be limited to allocated land, rural worker dwellings, replacement dwellings, the reuse of rural buildings and exception sites. None of these would be relevant for the proposal.
7. Although beyond the limits of the settlement the site is adjacent to the settlement edge. However, the settlement is a small hamlet where growth would be generally discouraged due to its limited size and poor access to goods and services. Furthermore, although dwellings are to either side of the site's access the site itself extends well past the rear of the adjacent residential boundaries. It is therefore largely within the open countryside. As such, although defined boundaries may not be determinative in all circumstances, my own observations indicate that the site is beyond the built-up edge of the settlement.
8. Paragraphs 77-78 of the Framework seek to encourage development in rural areas that would enhance or maintain the vitality of rural communities. It supports development in villages that would allow them to grow and thrive, especially where it would support local services. It also recognises that development in one village may support another nearby settlement. The village of Sibson is relatively small and provides very limited goods and services. The settlement includes a community hall, two public houses and a place of worship, a limited bus service and fibre optic broadband. It is nevertheless poorly located for easy access to most goods and services. As future occupiers of the proposal would have to travel a substantial distance to access goods and services the majority of trips would be likely to be car borne. The proposal would thus result in the creation of a residential development with poor accessibility. Therefore, the proposal would not offer a suitable location for new housing development.
9. The appeal site consists of a range of farm buildings and grain silo some of which are in a particularly poor state of repair. The proposal would result in a cluster of dwellings arranged around a central courtyard. This would fundamentally alter the character of the site from a farmyard to a small housing estate. The site is visible from the highway and the wider countryside to the rear. Development of the site would undermine its agrarian and rural character. Therefore, although the proposal would result in a reduction in footprint of buildings, it would result in the erosion of the rural character of the site. The site would not therefore be a suitable location for new housing development and would not be in accordance with local and national policies.
10. Accordingly, the proposal would not accord with policy 13 of the CS. Furthermore, the proposed development would conflict with Policies DM1, DM4 and DM10 of the DPD which establish a presumption in favour of sustainable development and seek development to complement and enhance the character of an area. Also, the proposed development would not satisfy policies S1 and S10 of the NP.

Other matters

11. The Framework defines previously developed land as land which is, or was, occupied by a permanent structure but this excludes agricultural buildings. Two

barns have gained Prior Approval under Class R of the GDPO for a flexible commercial use (storage). The rest of the site is in agricultural use and the four larger barns were in active use for hay storage during my visit. The remainder of the site consists of a range of single-storey sheds that would not readily lend themselves to conversion to alternative use. Therefore, although the site as a whole has the potential to be subject to alternative use, due to rights conveyed by Prior Approval, they are unlikely to be readily adaptable. This view is based on my observations of the current use and functionality of the buildings and the poor condition of the smaller sheds. As such, the permitted development capability of the buildings on site, and the status of parts of the site as being previously developed, are matters of limited weight in favour of the proposal.

12. The site is adjacent to the boundary of the Sibson Conservation Area (SCA). The proposal would remove the farm buildings and replace them with new development. Some of the existing sheds and barns are in a poor state of repair and partly create an unkempt appearance to the site. However, the visual benefit of removing the buildings and their replacement would have a neutral effect on the setting of the SCA. As a result, the 'benefit' conveyed by the redevelopment of the site and especially the removal of the silo would be of limited weight in favour of the proposal.

Planning balance and conclusion

13. At the time the planning application was determined the Council was unable to demonstrate a five-year supply of housing land. However, the most recent published Monitoring Statement indicates that the Council is now able to demonstrate a 5.15-year supply. Therefore, in the absence of any robust evidence to the contrary, the Framework para 11d) is not engaged.
14. Furthermore, paragraph 14 of the Framework states that in situations where paragraph 11(d) applies, that a conflict with the NP would be likely to significantly and demonstrably outweigh any benefits, subject to requirements defined at (a) to (d) of paragraph 14. The Sheepy Magna NP was made in 2019. It supports the provision of small infill plots, the Council have illustrated it has at least a 3-year housing supply and have delivered housing at a rate of 119%. These circumstances provide further support to the primacy of the development plan in this decision.
15. There would be some social and economic benefits associated with the provision of four dwellings in terms of a modest addition to housing supply and four additional households to support the local economy. However, the proposal would undermine the Council's plan-led approach to the delivery of housing. Consequently, the adverse impacts on the housing strategy and rural character would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the Framework taken as a whole.
16. The proposal would conflict with the development plan taken as a whole and there are no other material considerations, including the provisions of the Framework, that outweigh this conflict. Therefore, the appeal is dismissed.

Ben Plenty

INSPECTOR