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## Appeal Decision

Site visit made on 17 November 2020 by C McDonagh BA (Hons) MA MRTPI

**by K Taylor BSc (Hons) PGDip MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 December 2020**

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**Appeal Ref: APP/Y2430/W/20/3257561**

**Land Adjacent to 27 Main Street, Branston NG32 1RU**

- 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 R Hall against the decision of Melton Borough Council.
  - The application Ref 19/01008/FUL, dated 19 August 2019, was refused by notice dated 31 March 2020.
  - The development proposed is the conversion of redundant barns to three dwellings with parking areas.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issue

3. Whether the proposal would be in a suitable location for housing, with regard to the accessibility of services, provision of infrastructure and whether there is a proven local need for housing in Branston.

### Reasons

4. The appeal site comprises a redundant agricultural barn located behind the main frontage of Main Street within the Branston Conservation Area (BCA). An existing access would be utilised, taken from Main Street via a field gate. The proposal entails the conversion of the barn to form 3 dwellings with associated gardens and parking areas.
5. The Council confirm Branston is a Rural Settlement within the context of Policy SS1. I note this is not disputed. Policy SS2 states that Rural Settlements will accommodate a proportion of the Council's housing need, to support their role through planning positively for new homes as windfall sites within and adjoining settlements. SS2 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 LP. 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 and improving the sustainability of rural areas. This also requires that the development will be served by sustainable infrastructure and/or provide new infrastructure or services to the wider benefit of the settlement.

7. There are very limited local services in the village, which would mean that future occupiers of the dwellings would likely be reliant on journeys to other settlements to access most day to day services such as shopping, healthcare, leisure and entertainment. Given the distance to these settlements, 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. The appellant considers the site constitutes a windfall site. However, Policy SS3 states 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, although this can be identified through Neighbourhood Plans or appropriate community-led strategy, a housing assessment or other evidence provided by the applicant. I have nothing before me to demonstrate local need for housing within Branston to weigh in favour of the appeal. The supporting text of Policy SS2 references unallocated sites within Rural Settlements may be suitable for development of up to about 3 dwellings. However, this is contingent on the development representing sustainable development or demonstrably meeting identified needs and/or helping to sustain local services or facilities. As such this does not undermine the requirement within Policy SS3 to demonstrate a proven local need for housing.
9. I note the reference to the Croxton Kerrial and Branston Parish Neighbourhood Plan (the NP) as a means of identifying need. However, in accordance with paragraph 48 of the National Planning Policy Framework (the Framework), the weight which can be given to relevant policies in emerging plans is according to the stage of preparation of the emerging plan (i.e. the more advanced its preparation, the greater the weight that may be given). Evidently the NP is still in its consultation phase and as such, the policies within are given limited weight. As such this would not constitute the proven need required to justify the proposal.

#### *Other Matters*

10. The appeal site lies within the Branston Conservation Area (BCA). As such, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the BCA, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
11. There was no heritage statement submitted with either the planning application or appeal which complies with paragraph 189 of the Framework. However, I note the comments of the Council's Conservation Officer in this regard. The significance of the heritage asset is highlighted in the BCA appraisal, which states Branston is an agricultural village of linear built form and is interspersed with agricultural cottages and other dwellings with many open spaces.
12. While there is a reference to a 'verbal report' from a heritage consultant within the appellant's evidence, this only analyses the quality of the barn and its positive contribution to the BCA in general. While it is asserted the conversion would improve the appearance of the barn, there is no assessment of the proposal and its impact on the significance of the BCA. However, from the limited evidence before me and my observations on the site visit, the barn appears to be of substantial construction showing some outward signs of

deterioration. I would agree it makes a positive contribution to the BCA. Its preservation and improvements to its external appearance would weigh in favour of the proposal, although the loss of open space surrounding the barn to accommodate parking and garden space would be of harm.

13. Overall, the development would largely reflect the character of the barn, the BCA and the wider agricultural setting within which it sits. Therefore, in my view the significance of the BCA would be preserved.

### **Planning Balance and Conclusion**

14. I acknowledge that there would be benefits of the dwellings. This includes a boost to the local economy through the initial construction phase and subsequent investment into the local community and sustaining of services through the minor increase in population. I also acknowledge the support of the Parish Council and their desire to encourage housebuilding in the village in general to revitalise the community. However, given the scale of the development this would be limited in terms of overall benefit.
15. My attention is drawn to paragraph 118 of the Framework, which advises that the development of underutilised land and buildings should be supported and promoted while also advocating the use of brownfield land within settlements for housing. While there is merit to reusing an existing building for the purposes of housing, agricultural buildings are not classified as previously developed land in annex 2 of the Framework. As such I afford this limited weight in the decision-making process. Overall, despite some benefit of the scheme this would not outweigh the harm I have identified.
16. To conclude on the main issue, the proposal would not be serviced by sustainable infrastructure, nor would additional infrastructure or services be provided. Therefore, the proposal would not constitute a suitable location for housing and would be contrary to the requirements of Policies SS1, SS2 and SS3 of the MLP. Collectively these policies aim to direct residential development towards the most suitable locations and encourage sustainable development and require development meets a local need identified in a Neighbourhood Plan or appropriate community-led strategy, a housing assessment or other evidence provided by the applicant.

### **Recommendation**

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*C McDonagh*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*K Taylor*

INSPECTOR