



Appeal Decision

Site Visit made on 5 January 2021 by S Watson BA(Hons) MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2021

Appeal Ref: APP/K2420/W/20/3259881

Kendals Barn Ashby Road, Osbaston, NUNEATON, CV13 0HS

- 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 Mr and Mrs T Vellam (Jnr) against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 20/00503/OUT, dated 27 May 2020, was refused by notice dated 22 July 2020.
 - The development proposed is a self build, part conversion and part new build scheme to provide a detached dwelling for the current occupants of Kendals Barn.
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Decision

1. The appeal is dismissed.

Appeal Procedure

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

Preliminary Matters

3. The proposal before me has been made in outline with only the matters of access and layout being considered at this stage. All other matters, including appearance, landscaping and scale, have been reserved for a subsequent application. I understand from the appellants' case that the submitted drawings are for illustrative purposes only, and I shall consider them as such.
4. Policy DM15 relates to redundant or disused rural buildings and while the appellants have referred to the outbuilding being underused, it did not appear from the information before me, and my observations on site, to be disused or redundant. Therefore, this policy is not directly relevant to my consideration of this appeal.

Main Issue

5. The main issue in this case is whether the appeal site is a suitable location for new housing.

Reasons for the Recommendation

6. The appeal site is situated on the east side of Ashby Road (A447) and is surrounded by agricultural fields within a wider rural landscape. For planning policy purposes, it is located within the countryside. The appeal site itself is a large plot that, at the rear, contains a low residential dwelling and single storey L-shaped outbuilding. The proposal would include the erection of an L-shaped

dwelling attached to the eastern end of the outbuilding. The outbuilding is shown to provide ancillary accommodation to the new dwelling extension.

7. Policy DM4 of the Site Allocations and Development Management Policies DPD (DPD) seeks to safeguard the countryside and settlement separation. In this regard it sets out a number of forms of development which are considered suitable and sustainable. The change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting is one such example.
8. The existing buildings are attractive, modestly sized and typical of their rural agricultural setting, making a positive contribution to the rural character of the area.
9. Although the extension to the existing building would be large in terms of its layout, there is no criteria within Policy DM4 relating to what would be a suitable size of extension. Nevertheless, the new dwelling and the amount of built form would have a significant effect on the character and appearance of the existing building resulting in its simple form being eroded by the proposed extension.
10. Moreover, the amount of built form proposed would erode the rural setting of the building, which would be harmful to the open, largely undeveloped character and appearance of the countryside in this location. It would introduce additional vehicles and activity associated with a dwelling into this rural landscape along with the likely proliferation of domestic paraphernalia which would not lead to enhancement of the immediate setting, indeed it would have the opposite effect and degrade it. New landscaping would be unlikely to mitigate such harm. Moreover, while it is set away from the road and partially screened by mature vegetation, this would not sufficiently reduce the harm identified. In light of the above, I find that the development would not comply with exception b) of Policy DM4, or any of the other forms of development considered sustainable by this policy. Accordingly, the proposal would not comprise sustainable development within the countryside for the purposes of this policy.
11. I therefore conclude that the location of the appeal site is not suitable for a dwelling as proposed because of the conflict with DPD Policies DM4 and DM10, which amongst other matters seek to protect the value, beauty, open character and landscape of the countryside from unsustainable development and to complement the character of the general surrounding area. As the proposal would not comprise sustainable development there is also conflict with the aims of Policy DM1 of the DPD.

Other Matters

12. There is dispute over whether the Council can demonstrate a 5 year supply of deliverable housing sites. Notwithstanding this, the Council accept the presumption given by paragraph 11 d) of the National Planning Policy Framework (Framework) is engaged.

13. The proposal would re-use an attractive rural building and the new dwelling would be a self-build, for which the Council have not met the permissions target. As such the proposal would make a contribution to the Council's supply of housing and the Government's aims of significantly boosting the supply of homes. These matters cumulatively carry moderate weight.
14. The intended future occupiers of the new dwelling would be likely to support nearby shops and services and there would be employment opportunities during the construction of the dwelling. However, given the quantum of development proposed such benefits would be unlikely to be discernible and carry limited weight.
15. The appellants have stated that the site is served by a suitable existing access, would provide occupiers appropriate living conditions, and good levels of energy efficiency would be employed in the build. Moreover, they have stated it would not be at risk of flooding and would not have any adverse ecological impacts. Nevertheless, I would expect this to be the case for any well-designed development and therefore find these matters to be neutral factors in this case.

Planning Balance and Conclusion

16. The appeal site is located within the countryside where the policies of the development plan seek to restrict development to sustainable development. The proposal does not comply with any of the exceptions set out within DPD Policy DM4 and as such the proposal conflicts with this policy. The Council acknowledges that its housing policies, which include its settlement/location policies are out-of-date and this reduces the weight given to this policy in the planning balance.
17. Nonetheless, DPD Policy DM4 goes further and seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside and in this regard, I consider that this policy would not be out of date when considering the impact of the proposal on the character of the countryside. This is an aim that is consistent with the Framework and the need to recognise the intrinsic character and beauty of the countryside. Moreover, DPD Policy DM4 is consistent with the Framework in terms of its presumption in favour of sustainable development.
18. The Framework indicates that where relevant policies are out-of-date planning permission will be granted unless material considerations indicate otherwise, taking into account whether: any adverse impacts of planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (the tilted balance test); or, specific policies in the Framework indicate that development should be restricted. There is no dispute that the appeal site is not subject to any designations which indicate that development should be restricted for the purposes of footnote 6.
19. The adverse impact of the proposal relates to the unsuitable location of the site for new housing because of the harm that would be caused to the open character and landscape of the countryside. This would run counter to the Framework's objectives for conserving and enhancing the natural environment. This harm carries substantial weight. The benefits of the construction of one dwelling, constructed on a self-build basis and utilising an existing rural

building carries moderate weight. The other benefits advanced by the appellants carry at most limited weight.

20. Accordingly, I find that the benefits of the scheme, would be significantly and demonstrably outweighed by the harm that would be caused by the proposal in conflict with DPD Policies DM1, DM4 and DM10, and the policies of the Framework taken as a whole. The proposal would not therefore comprise sustainable development.

Recommendation

21. For the reasons given above I recommend that the appeal should be dismissed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR