



Appeal Decision

Site Visit made on 1 December 2020 by John Gunn DipTP Dip DBE MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2021

Appeal Ref: APP/F2415/W/20/3257283

Former Menage, Land west of South Kilworth Road, North Kilworth, LE17 6HF

- 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 Snowden Homes Ltd. against the decision of Harborough District Council.
 - The application Ref 20/00208/FUL, dated 5 February 2020, was refused by notice dated 6 April 2020.
 - The development proposed is described as 'Development of two pairs of semi-detached bungalows'.
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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.

Preliminary Matters

3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

4. The main issue is whether the location of the appeal site would be suitable for new housing, having regard to the Council's spatial strategy for new housing in North Kilworth.

Reasons

5. The appeal site is located to the rear of tennis courts and is accessed via a cul-de-sac, Stablefields Drive, which has been constructed as part of a 24 dwelling development that is being undertaken by the appellant. Playing fields lie to the north with open countryside to the west. At the time of my site visit the appeal site was being used as a site compound.

6. Although the appeal site is located close to the services and facilities that North Kilworth offers, and adjoins new housing on Stablefields Drive and the 'Limits of Development' boundary as indicated within the Kilworth Neighbourhood Plan 2015-2031 (NP)¹, it is located within the countryside for planning policy purposes, which is not disputed. Although currently being used as a site compound, there is open land to the north, west and largely open tennis courts to the east. It is not located within the built-up area of the village.
7. Policy GD3 of the of the Harborough Local Plan 2011 to 2031² (LP) seeks to protect the countryside from unacceptable development which would harm its intrinsic value and rural character. The NP has similar aims and whilst supporting new housing, the NP makes it clear that such housing should be developed on identified sites within the NP (Policy NK2 relates), or on windfall sites within the built-up area of the village (Policy NK3 relates).
8. The NP does not support new housing on the appeal site. The more recently adopted LP however recognises that certain forms of development are necessary to support rural life and maintain or enhance the rural economy. In this regard LP Policy GD3 supports rural housing in the countryside where it accords with Policy GD4 of the LP. Policy GD4 of the LP establishes that small sites of less than 4 dwellings within, or physically and visually connected to settlements and which meet a local need for housing of a particular type, including small dwellings for the elderly and starter homes will be supported, providing this has been evidenced through a rural housing needs survey or a neighbourhood plan.
9. In this regard, I find that the proposed development would be on a small site, would not exceed the limit of 4 dwellings and would be both physically and visually linked to the development that is taking place on the adjacent site. Furthermore, it would provide 4 two-bedroom bungalows which may be attractive to small or older households.
10. Whilst such provision would be likely to support the aims of Policy NK4 of the NP, it would do so on a site which is not identified as suitable for housing development within the NP. Moreover, no substantive evidence has been provided to demonstrate that the proposed dwellings would meet an identified local need including for young families and older people in the village for the purposes of NP Policy NK4 and LP Policy GD4. I am also mindful that the recent granting of planning permissions for 66 dwellings in the village may have made a contribution to the mix and type of dwellings in the locality, including small dwellings, and that the Council can demonstrate more than a 5 year supply of deliverable housing sites so is not reliant on development outside of the 'Limits of Development' to meet its housing requirements.
11. I acknowledge that the occupiers of the new dwellings would be likely to support local services and facilities, which they could access using sustainable modes of transport, in accordance the National Planning Policy Framework's objective for rural housing and transport. Moreover, the proposal would make a contribution to the Government's objective of significantly boosting the supply of homes, utilising previously developed land. Given the quantum of development proposed, such matters carry moderate weight in favour of the proposal.

¹ NP was made 31 July 2017

² Adopted April 2019

12. Against these benefits is the clear conflict with the recently adopted development plan, which taken as a whole does not support new housing on this site; a matter which I give significant weight.
13. Accordingly, in light of the foregoing, and in the absence of substantive evidence to demonstrate otherwise, I conclude that the appeal site is not in a suitable location for new housing. The proposal conflicts with LP Policy GD4, because the identified need for the proposed dwellings has not been demonstrated. Given this conflict, the proposal would not comprise sustainable development and it follows that there would be conflict with LP Policy GD1 referred to by the appellant. The material considerations in this case do not justify making a decision other than in accordance with the development plan, taken as a whole.
14. As the appeal site is located outside of the built up area of the village, I find that NP Policy NK3 is not determinative in this case, nor is LP Policy GD2 as suggested by the appellant, as the proposal is not located within a settlement. The Council has referred to paragraph 79 of the National Planning Policy Framework in its decision notice. This relates to the development of isolated homes in the countryside, which would not be the case with the appeal proposal because it would be closely related to nearby residential development. Accordingly, this has not formed part of my consideration of this case.

Recommendation

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

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

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

RC Kirby

INSPECTOR