



Appeal Decision

Site Visit made on 19 January 2021 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: 18 February 2021

Appeal Ref: APP/K2420/W/20/3259380

Land south of The Bungalow, 1 Green Lane, Barton in the Beans, Leicestershire CV13 0DQ.

- 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 A Kitching against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 20/00062/OUT, dated 21 January 2020, was refused by notice dated 16 March 2020.
 - The development proposed is described as the 'Erection of single storey bungalow (outline – access only) land south of 1 Green Lane, Barton in the Beans, CV13 0DQ (Resubmission)'.
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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 application is in outline form with all matters reserved except for access. Nonetheless, submitted with the application was a Design, Access, and Planning Statement, which was referred to in evidence. I have considered the appeal on this basis.

Main Issues

4. The main issues are:
 - 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 Hinckley and Bosworth; and
 - the effect of the development upon the character and appearance of the area.

Reasons

Suitability of the site for new housing

5. Barton in the Beans is identified as a Rural Hamlet within the Hinckley and Bosworth Core Strategy 2009 (CS) where new housing development is supported within the settlement boundary by Policy 13 of the CS, where it provides for a mix of housing types and tenures.
6. The appeal site is however located outside of the settlement boundary and whilst it is located within a small cluster of development on Nailstone Road and Green Lane, it is visually and physically separate from the village with open fields between. For planning policy purposes, it is located within the countryside.
7. Within the countryside Policy DM4 of the Hinckley and Bosworth Local Plan 2006-2026 Site Allocations and Development Management Policies DPD (SADMP) seeks to protect the countryside from unsustainable development. This policy sets out what is considered to be sustainable development in the countryside, none of which are applicable to the appeal proposal.
8. Although the distance between the appeal site and the settlement is relatively short, the stretch of road that would need to be travelled upon is largely covered by the national speed limit and has no pavements or streetlighting. The highway conditions between the appeal site and Barton in the Beans would be likely to deter the intended future occupiers of the new dwelling from walking or cycling to the village and as a consequence there would be a high probability that the short journey would be made by a private vehicle to access the limited range of services and facilities therein.
9. Moreover, in the absence of evidence to demonstrate otherwise, the intended occupiers would have a high dependency on a private vehicle to access a broader range of services and facilities in Key Rural Centres, including for schooling, employment, and the provision of goods. For those that did not have access to a private vehicle nearby services and facilities would not be accessible.
10. My attention has been drawn to developments in the locality that have been granted planning permission. The scheme in Barton in the Beans appears to have been located within the settlement boundary and the sites at Congerstone and Desford adjoined the settlement boundary. Accordingly, none are directly comparable in their locational characteristics to the appeal site and accordingly they do lend support to the proposal before me.
11. In light of the above, I conclude that the appeal site is not a suitable location for new housing because of the conflict with Policy 13 of the CS and Policies DM1 and DM4 of the SADMP which jointly support sustainable development within the boundaries of existing settlements and seek to safeguard the separation between the countryside and settlements. Furthermore, and although not referred to within the Council's refusal reason, I find that there would be conflict with the aims of SADMP Policy DM17 which seeks to ensure that development proposals have convenient and safe access for walking and cycling to services and facilities.

Character and appearance

12. The appeal site comprises a roughly triangular shaped plot of land within a small cluster of dwellings surrounded by open agricultural fields. The wider surrounding area is unmistakably rural with an open landscape which is mainly agricultural in nature.
13. Although no detail is before me at this stage in terms of the layout and appearance of the new bungalow, there is a high probability that it could be designed to reflect nearby development, allowing the open characteristics of the site to be largely maintained. A dwelling on the site would be read in the context of nearby development which would not be harmful to the character or appearance of the locality. Furthermore, its visual impact could be further mitigated by the retention of existing vegetation on the site and in the surrounding area.
14. I acknowledge the Council's desire to respect the strong character of villages, maintain rural views and conserve the small field pattern by protecting the hedgerow network as set out in their Landscape Strategy. However, from what I have seen and read; I find that the proposed development would not be harmful to these objectives.
15. In light of the above I conclude that the proposed development would not be harmful to the character or appearance of the area and accordingly complies with the aims of Policy DM10 of the SADMP which seeks to ensure that developments complement or enhance the character of their surroundings and protect the open character of the countryside.

Other Matters

16. There is no dispute that the Council's housing policies, including its spatial strategy, are out-of-date and accordingly paragraph 11 d) of the Framework is engaged. This sets out that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless, amongst other matters, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
17. Amongst other matters, the Framework expects development to prioritise pedestrian and cycle movements and to facilitate access to high quality public transport as far as possible, with accessible services that support communities' health, social and cultural well-being. For the reasons set out above, the proposal would not achieve these objectives.
18. Set against the harm identified there would be limited social and economic benefits associated with the proposal. Whilst acknowledging that a bungalow may be attractive to an elderly person, there is no certainty that it would be occupied in that manner. In any event one additional unit would make little difference to the overall supply of housing and the support one extra household would provide to the local economy would also be insignificant. Consequently, the inappropriate location of the appeal site for new housing would significantly and demonstrably outweigh the benefits when assessed against the policies in

the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion and Recommendation

19. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, I recommend the appeal should be dismissed.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

20. 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