



Appeal Decision

Site visit made on 15 June 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2021

Appeal Ref: APP/Y2430/W/21/3267888

Field OS 5000 and 5812, Tofts Hill, Stathern, Leicestershire

- 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 and Mrs Bell against the decision of Melton Borough Council.
 - The application Ref 20/01095/FUL, dated 17 September 2020, was refused by notice dated 14 December 2020.
 - The development proposed is demolition of redundant barns and their replacement with a single dwelling house (Class C3).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area and the setting of the Stathern Conservation Area.

Reasons

3. The appeal site comprises agricultural land on the edge of the village of Stathern. The site is occupied by a redundant barn clad in metal sheeting. The boundary with the road is marked by large, mature trees and a substantial gate. Tofts Hill is lined by detached dwellings of different styles and sizes which front the road with some set-back.
4. The appeal proposal would be located in an elevated position and involves the demolition of the existing agricultural building and the erection of one dwelling. The existing access from Tofts Hill would be utilised and lead to a mix of single and two storey sections of 'blocks' linked by corridors. The blocks are designed to be of agricultural character and are clad in dark coloured timber, punctuated by large expanses of glazing at first storey level. Externally, areas of hardstanding, terraces and landscaping are also proposed, with much of the boundary tree coverage to be retained alongside the removal of an existing hedge replaced with a native species.
5. Stathern is identified as a Service Centre within the Melton Borough Local Plan (the LP). Policy SS2 sets out support for small scale residential development on windfall sites in Service Centres where it would represent sustainable development under Policy SS1. I note in this regard the Council considers the location of the proposal acceptable in principle, subject to adherence with Policy SS1 constituting sustainable development.

6. The character of the appeal site is inherently rural. Despite its location adjacent to housing on the edge of the village, there is a distinct gap between the appeal site and the nearest property (No.7) on this side of the road. While it is argued this is a 'plot width' in size, this gap is part of an expanse of open countryside to the north broken only by the barn itself to one side and houses on The Green. From here, Tofts Hill rises steeply from the village and the transition from village to open countryside is apparent.
7. The appeal site therefore makes a positive contribution to the character of the area, despite the poor condition of the barn. I have no reason to doubt the aspirations of the design to reflect the location. However, the dark timber cladding and large areas of glazing do not, in my view, reflect the immediate character of the locality. This would be compounded by the proposed areas of hardstanding, parking, formal garden and inevitable domestic paraphernalia.
8. Moreover, the dwelling would be of substantial size. In this regard, it is argued the footprint of the dwelling would sit within the existing scope of the barn and not rise to a greater height. However, given the harm I have identified with regards to the design relative to the location, this would be compounded by the large scale of the property. Despite the argument to the contrary, the National Planning Policy Framework (the Framework) is clear in Annex 2 (Glossary) that previously developed land excludes land that is or was last occupied by agricultural or forestry buildings.
9. I have considered the Landscape and Visual Appraisal (LVA) and accompanying photomontages. These are produced from a variety of viewpoints from within and around the village. In longer range views it is apparent the dwelling would have limited visual impact. However, from my observations on the site visit the dwelling would be prominent in views from lower elevations on Tofts Hill, The Green and from private viewpoints to the rear of existing properties. This is not disputed in the LVA, and while additional landscaping is proposed it is considered to only partially screen and filter views.
10. I am made aware of several studies published by the Council, including the Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study. The conclusion of these in general terms indicates that some development in the area is possible. However, the LVA considers both the site and its immediate vicinity of high landscape value and while there are considered to be benefits to the removal of the barn, the design of the dwelling lacks the simple form and appearance of a building traditionally associated with a rural location.
11. The appeal site is not located within the Stathern Conservation Area (the SCA), although it is in close proximity. The significance of the SCA derives from its form, which is loose knit, with dwellings interspersed with important open areas enhancing its character. Moreover, the SCA Appraisal highlights the importance of Tofts Hill and its contribution to the significance of the SCA, indicating the scattering of modern buildings at the bottom of the hill before open countryside takes precedence, while this elevated vantage point over the village to open countryside is highlighted as 'stunning'. The National Planning Policy Framework (the Framework) requires, at paragraph 194, a clear and convincing justification for any harm from development within the setting of a designated heritage asset.

12. I have carefully considered the submitted Heritage Statement, although I have concluded that the proposal would detract from the rural character and appearance of the local area within which it is located. Despite being outside of the SCA, the appeal site makes a positive contribution to the setting of the heritage asset due its transitional and gateway function from built form to open countryside and vice versa. Given the harm identified to the local area there would also be some limited harm to the setting of the conservation area. In the context of the Framework, the level of harm I have identified is less than substantial. Paragraph 196 of the Framework states that where a development would lead to less than substantial harm to the significance of a designated heritage asset (such as the SCA), this harm should be weighed against the public benefits of the proposal.
13. There are no public benefits identified, although the proposal would provide one additional dwelling to the Council's housing stock, alongside more general benefits to the local economy from construction and occupation of the dwelling and sustaining of local services. I attach moderate weight to these benefits. However, this would not be sufficient to overcome the harm to the significance of a designated heritage asset which the Framework advises carries great weight. As such I would not consider there are sufficient public benefits to outweigh the harm to the SCA.
14. To conclude, the proposal would harm the character and appearance of the area and setting of the SCA. This would be contrary to Policies EN1, EN6, EN13, SS1 and SS2 of the LP. Amongst other things, these seek to ensure new development: does not have an unacceptable adverse effect on an area's sense of place and local distinctiveness; new development in conservation areas is consistent with its identified special character; and ensure windfall sites in Service Centres represent sustainable development. The proposal would also conflict with the Framework which advises great weight should be given to the conservation of heritage assets.

Other Matters

15. I am informed the Council has granted planning permission for other houses on Tofts Hill. I have limited details on these planning applications. In any event, I have assessed the proposal before me on its own merits and the granting of other permissions nearby do not justify the harm that I have identified in and of themselves.
16. My attention is drawn to a previous proposal concerning the fields adjacent to the appeal site which was subject to a dismissed appeal¹. While I understand this decision accepts the location of the proposal is suitable in principle, to my mind the Council does not dispute this aspect of the proposal subject to the acceptability of other matters such as design. Both parties have referred me to another appeal decision² relating to a previous proposal on the appeal site. While the design has been revised since this decision, I have assessed the proposal on its own merits based on the information before me.
17. I acknowledge the appellant's concerns over the Council's handling of the application. However, these matters do not alter my findings above in which I have had regard to the planning merits of the proposals.

¹ APP/Y2430/W/20/ 3248878

² APP/Y2430/W/16/3161385

Planning Balance

18. I agree that the proposal would have benefits in terms of housing supply. However, the benefits of one new home are limited in this case. While there is no upper limit on housing numbers and windfall sites make an important contribution to housing targets, I have nothing before me to indicate the Council cannot demonstrate a sufficient supply of deliverable housing. In more broad terms, there would be some limited benefits associated with construction costs and future occupants spending locally and sustaining local services.
19. It is considered the proposed dwelling would not harm the living conditions of neighbouring residents, ecology, trees, the highway network and would provide a net gain of biodiversity. It would also provide suitable living conditions for future occupiers of the property. However, these are necessary to meet various policy requirements of the development plan and would be neutral factors which neither weigh in favour of, nor against, the proposal.
20. Conversely, I have found that the proposal would harm the character and appearance of the local area and would cause less than substantial harm to the significance of a designated heritage asset. Therefore, taking into account all these matters, the adverse impacts of the proposal would outweigh the identified benefits.

Conclusion

21. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR