



Appeal Decision

Site Visit made on 7 September 2021

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2021

Appeal Ref: APP/G2435/W/21/3275058

1-2 Hill Top, Main Street, Normanton Le Heath LE67 2TB

- 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 Ms Stella Henton against the decision of North West Leicestershire District Council.
 - The application Ref 20/00995/OUT, dated 10 June 2020, was refused by notice dated 7 December 2020.
 - The development proposed is construction of 2 new dwellings with a new access off Ashby Road.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline with all matters, except access, reserved for future consideration. I have considered the appeal on the same basis and so give little weight to the scale and appearance of the houses or the landscaping and layout of the site as shown on drawing 150A.

Main Issues

3. The main issues are:
 - i. whether the development is appropriately located with regard to local and national policies and its accessibility to basic services; and
 - ii. the effect of the development on highway safety.

Reasons

Location

4. The appeal site currently accommodates a dwelling and its garden on the corner of Ashby Road and Main Street. It is part of the settlement of Normanton Le Heath, which is a small collection of houses with no shops, public transport links or facilities aside from a church. The site sits at the end of a row of houses and appears integrated within the envelope of the settlement.
5. Policy S2 of the North West Leicestershire Local Plan sets out the Council's settlement hierarchy for locating new development. Although Normanton Le Heath is not listed in the policy, it is identified as one of the small villages in explanatory paragraph 5.19 and the Council have confirmed Normanton Le Heath can be considered as a small village for the purposes of this policy.

6. The policy states that within small villages, development would be limited to, amongst other things, the redevelopment of previously developed land as defined by the National Planning Policy Framework (the 'Framework'). In annex 2 of the Framework it defines previously developed land as land which is or was occupied by a permanent structure including the curtilage of the land. The appeal site would meet this definition. The Framework adds that this definition excludes land in built-up areas such as residential gardens. Although the site is part of Normanton Le Heath, due to the settlement's small size and its rural surroundings, including the agricultural land immediately behind the site, I consider the area could not be described as being built-up. As such there is no conflict with this policy.
7. However the whole of Normanton Le Heath is identified on the Proposals Map to be in the countryside and beyond the Limits to Development. Consequently policy S3 of the Local Plan also applies. This identifies, amongst other criteria, that development that is accessible by a range of sustainable transport will be supported.
8. Normanton Le Heath is around three miles from Ashby where a range of shops and services exist. However there are no public transport links to Ashby from the village, pedestrian routes would involve walking along unlit country lanes with no pavements for a considerable distance, and the hilly terrain between the site and Ashby would not encourage cycling. Overall, the site is not accessible by a range of sustainable transport modes and this means the occupiers of the proposed dwellings would not have sustainable access to basic services. As such the proposal would fail to accord with policy S3.

Highway safety

9. Two access points are proposed; one onto Ashby Road and one onto Main Street. Ashby Road is the busier of the two roads. It rises from the west, past the site, up to the junction with Main Street at which point it flattens off. It also bends considerably as it enters the village from the west.
10. The speed limit on Ashby Road through the village is 30 mph and the appropriate visibility splays of 2.4m x 43m are readily achievable and are shown on the plans. However the Council opine that actual traffic speeds on this road may be greater than the speed limit, which is a view supported by local residents. Given the short stretch of the road subject to a 30mph limit and the limited number of dwellings and therefore manoeuvres likely to be taking place around the junction, I would agree that it is reasonable to consider that traffic speeds may well exceed 30mph, particularly of vehicles travelling from the east down the hill. Without knowing the actual speeds of traffic, which could be determined by a survey, the required splays cannot be accurately calculated and plotted. It is therefore not possible to state that cars using this proposed access could do so without compromising highway safety.
11. The appellant suggests that speed surveys should normally be conducted as part of a detailed planning application, rather than at the current outline stage. However as access is the only detailed matter on which consideration was sought, it is necessary that information to fully address that matter is provided.
12. The access onto Main Street would effectively represent a re-positioning of the existing site access slightly closer to the junction with Ashby Road. The submitted plan does not show any visibility splays for this proposed access,

however visibility to the right is good, and cars approaching from the left would be moving relatively slowly having just turned off Ashby Road. Pedestrian visibility could easily be achieved by pruning back the hedgerow along the front of the site.

13. Overall, although access from Main Street would be acceptable, I cannot conclude access from Ashby Road would be safe. Consequently, the proposal would not accord with Local Plan policy IF4 which states that development should provide safe connections to the transport network.

Other Matters

14. The appellant's suggestion that there is a demand for housing in Normanton Le Heath is not disputed. Likewise the development would undoubtedly make a more efficient use of the site. Nonetheless these matters carry little weight.

Conclusion

15. Although the proposal would comply with policy S2, this is outweighed by its failure to accord with policies S3 and IF4. Overall, the development does not accord with the development plan taken as a whole and there are no other material considerations to suggest the decision should be made other than in accordance with the development plan.
16. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal is dismissed.

Andrew Owen

INSPECTOR