



Appeal Decision

Site Visit made on 2 November 2021

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2021

Appeal Ref: APP/Y2430/W/21/3278837

Church Farm House, 1 Church Walk, Thorpe Satchville LE14 2DG

- 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 Richard Smith against the decision of Melton Borough Council.
 - The application Ref 21/00122/FUL, dated 4 February 2021, was refused by notice dated 12 May 2021.
 - The development proposed is subdivision of house into 2 properties.
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Decision

1. The appeal is allowed and planning permission is granted for subdivision of house into 2 properties at Church Farm House, 1 Church Walk, Thorpe Satchville, LE14 2DG in accordance with the terms of the application, Ref 21/00122/FUL, dated 4 February 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 8263-01-00, 8263-01-01, 8263-01-10, 8263-01-11, 8263-01-12, 8263-01-21, 8263-01-22, 8263-03-01, 8263-03-02, 8263-03-10, 8263-03-11, 8263-03-12, 8263-03-21 and 8263-03-22.
 - 3) Prior to the first occupation of the new dwelling hereby permitted, the new boundary fence separating the two properties shall be erected in accordance with the details on drawing no. 8263-03-01 and shall be retained as such thereafter.
 - 4) Prior to the first occupation of the new dwelling hereby permitted, the means of access, and the parking and turning areas shall be constructed in accordance with the details on drawing no. 8263-03-01. The access shall be retained as such thereafter and the parking and turning areas shall be kept available at all times for those purposes.
 - 5) Prior to the first occupation of the new dwelling hereby permitted, pedestrian visibility splays measuring 2.0 metres by 2.0 metres shall be provided on the highway boundary on both sides of the new access. No structure or erection exceeding 0.6 metres in height above the level of the adjacent highway shall be placed within the splays.

Main Issue

2. The main issue is whether this development is suitable in this location having regard to the local development strategy.

Reasons

3. Policy SS2 of the Melton Plan sets out the Council's development strategy. It allows for a proportion of the Borough's housing need to be provided in identified Rural Settlements, such as Thorpe Satchville, subject to the criteria in policy SS3. For the purposes of this appeal the first pertinent criterion is that the development meets a proven local need as identified by substantive evidence.
4. The appellant has provided a copy of a study by Midlands Rural Housing into the housing needs of Thorpe and Twyford (which are part of the same parish) dating from 2019. Though this survey covers two villages and so the data within it may not necessarily relate to Thorpe Satchville, the two villages are of a similar size so it is not unreasonable to consider the results apply equally to either settlement.
5. The study showed that 18 households had a need for new housing over the next five years, three of whom are already on the Council's housing register. Although the conclusions of the study state that five households had a need for open market housing, the table within the report shows six, of which two had a specific need for 3 bed houses. The study also showed that, at that time, there were no properties available for rent or sale in Thorpe Satchville. The reasons behind individual household's needs are varied, but the authors of the study eliminated from their figures households they considered to be suitably housed already. As such, the figures given above are considered to reflect those households who have a genuine need.
6. A further conclusion to be drawn from the study was that demand generally was for generally 2 or 3 bedroom units. No respondent indicated a need for a house with more than 4 bedrooms. This supports the results of the 2016 Housing Needs Study produced to inform the Council's emerging Local Plan, which showed the greatest demand in the open market sector was for 3 bed units. Not only does this support the creation of 3-bed units, as proposed, but demonstrates the lack of demand for 6-bed units.
7. Though there is no neighbourhood plan or community-led strategy in place I consider the 2019 survey is sufficient to constitute the substantive evidence required by policy SS3. Furthermore, as it identifies housing need for a 5-year period, it is sufficiently recent. Indeed, I have no evidence before me to supplant or contradict the conclusions of that study. The Council's comment that across the Borough there is a surplus of housing above the objectively assessed need is not disputed, but does not necessarily conflict with the local need shown by the 2019 study, and it is local need to which policy SS3 refers. Consequently, there is substantive evidence to demonstrate there is a local need for the development and this criterion of policy SS3 is met.
8. The other relevant criterion of Policy SS3 requires the development to be served by sustainable infrastructure. There is a bus stop in the village a short walk from the site. However, there are few other services in the village, which is a fact revealed by the respondents to the 2019 study, and so it is likely that for day to day needs future occupiers would be reliant on their cars. However, as set out in paragraph 105 of the National Planning Policy Framework (the 'Framework'), opportunities for sustainable transport will vary between urban and rural areas. In this case the provision of a bus service through the village provides an opportunity, albeit limited, for sustainable travel for future

occupiers. In addition, it is reasonable to consider that the number of car trips generated by a 6-bed house which currently accommodates the appellant and a number of their adult children, would not be dissimilar to two 3-bed houses. Therefore, the development would not be less sustainable, in this regard, than the current dwelling.

9. I have considered the appeal decisions¹ provided by the Council. In all three cases the Inspector did not have any evidence before them to suggest there was a local need for housing, and in that respect alone they are not comparable to the case before me.
10. I note that in the appeal relating to a site in Thorpe Satchville the Inspector concluded that there were very few facilities or services that would be accessible from that site by sustainable transport modes. I agree opportunities for sustainable travel in the village are limited. But the fact that the current proposal would result from a subdivision of a house into two and hence generate little, if any, additional traffic is a key difference from this previous appeal which was for three additional dwellings.
11. Overall, I consider the development would meet the identified need for additional housing in Thorpe Satchville and although access to sustainable infrastructure is limited, the development would not be likely to generate more trips by unsustainable modes than the current dwelling. It would therefore be suitably located and so would accord with the aims of policies SS2 and SS3 to provide sustainable communities.

Other matters

12. The appeal site is opposite a Grade II listed church whose significance is informed by its setting in a small and verdant churchyard. The only parts of the proposal that would be visible at the front of the site would be the creation of parking space. This would be a very minor operation and would have no harmful effect on the setting or the significance of the heritage asset.

Conditions

13. I have considered the Council's suggested conditions, and those suggested by the local highway authority. Where necessary, and in the interests of clarity and precision, I have slightly altered the conditions to more closely reflect the advice in the Framework and the Planning Practice Guidance (PPG).
14. The standard conditions relating to the commencement of development and identifying the approved plans are necessary in the interests of certainty. The condition relating to the boundary fence will ensure the privacy of future occupiers is protected. Two conditions, suggested by the local highway authority, relate to the creation of the new access and are necessary in the interests of highway safety. I have not imposed their suggested condition relating to the protection of the public right of way during construction works as this would be covered by separate legislation. I also have not imposed the suggested condition withdrawing permitted development rights under Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015. The PPG advises that such conditions may not pass the test of reasonableness or necessity, and in this case I see no reason why such a condition would be necessary.

¹ APP/Y2430/W/18/3210466, APP/Y2430/W/20/3252749 and APP/Y2430/W/20/3257561

Conclusion

15. The proposal would comply with the development plan as a whole. Therefore, for the reasons given above, and taking account of all other matters, the appeal is allowed.

Andrew Owen

INSPECTOR