



Appeal Decision

Site visit made on 25 January 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2022

Appeal Ref: APP/K2420/W/21/3281772

Northwood Farm Stud, Wood Lane, Higham-On-The-Hill, CV13 6AA

- 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 Mr T Barton against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 21/00237/OUT, dated 18 February 2021, was refused by notice dated 16 April 2021.
 - The development proposed is outline application (access only) for the erection of 1 No. bungalow land south of Northwood Farm, Wood Lane, Higham on the Hill, CV13 6AA.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is made in outline with all matters reserved for future consideration except for access. I have therefore dealt with the appeal on this basis, treating the submitted plans as illustrative.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area, and whether the proposal would be in a suitable location having regard to policies that seek to manage the location of new development and access to services.

Reasons

Character and Appearance

4. The appeal site is an area of grassed land which forms part of the curtilage of Northwood Farm Stud and is located forward of the existing dwelling. To the rear of the dwelling are several buildings which are associated with the farm stud. The appeal site is otherwise surrounded by open fields and hedges. A residential dwelling known as 'Spring Hill' is located further east of the appeal site, however this dwelling and its curtilage immediately abuts the built-up area of Higham on the Hill and therefore is more closely associated with the village.
5. The appeal proposal is a re-submission following the dismissal of a previous appeal (Ref APP/K2420/W/16/3142543). No alterations have been made to the original proposal, however the appellant contends that the local policy context has changed.

6. The Inspector for the previous appeal made several observations in respect of the effect of the proposal on the character and appearance of the area. In particular, the Inspector opined that by virtue of the proposed dwelling being located forward of and on land higher than the existing dwelling, the development would be overly prominent and detract from the open character of the surrounding countryside. Furthermore, whilst the existing trees and hedges would screen the development in part, they would not obscure it sufficiently for it to be concealed within the landscape and for it not to be out of keeping with the character and appearance of the area.
7. Following my own observations on site and given that there have been no changes to the proposal since the previous appeal, I find no compelling reason to come to an alternative view with regards to the proposal having a detrimental effect on the character and appearance of the area.
8. It was also evident from my own observations on site that the proposal would be particularly noticeable and visible when approaching from the village itself, where the land is higher and views across the open countryside and appeal site are experienced. As a result, I find that the proposed dwelling would be unduly prominent and would detract from the open character of the countryside.
9. I therefore find that the proposal would be harmful to the character and appearance of the area, and consequently would conflict with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD (adopted July 2016) (SADMP) which, amongst other things, seek to ensure that new development complements or enhances the character of the surrounding area, and that the intrinsic value, beauty, open character and landscape character of the countryside will be safeguarded from unsustainable development.

Location of Development

10. Policy 12 of the Core Strategy (adopted December 2009) (CS) states that to support the existing services in the named rural villages, housing development that provide a mix of housing types and tenures will be supported within settlement boundaries. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside by safeguarding it from unsustainable development. DM4 goes on to list categories of development which are considered in principle to be sustainable.
11. This proposal would result in the erection of a single dwelling outside of the settlement boundary within the countryside and therefore does not fall within any of the categories of acceptable development listed, in conflict with the first part of DM4. The proposal also fails to comply with the second part of DM4 with regards to its effect on the intrinsic value, beauty, open character and landscape character of the countryside as already described above.
12. The site is located within a short walking distance of the village of Higham on the Hill. Although some facilities are provided within the village, it appeared during my site visit that some of these including the public house and shop had ceased operating. It is therefore highly probable that residents would need to travel to nearby towns to find suitable provisions and support their day to day lives. The appellant has provided details of bus and cycle routes which show that the village is connected to other nearby towns including Nuneaton and Hinckley, however I do not consider that sufficient evidence has been provided

to show that these routes are both accessible from the appeal site and would provide a genuine alternative to the private car.

13. Despite being within walking distance, the proposed new dwelling would only be connected to the village via an unlit single track road with no footpath available. I therefore do not consider that a safe or convenient means of access to the village would exist. Due to this lack of connectivity and the lack of services and facilities currently available within the village, I consider that it would be highly probable that occupiers of the proposed dwelling would be heavily reliant on private motor vehicles. This is the least sustainable travel option. Similarly, whilst I acknowledge that the phased development of the nearby MIRA Enterprise Zone continues to come forward there is no evidence before me that shows a direct accessible link between it and the appeal site.
14. For the reasons set out above the proposed development would not be in a suitable location having regard to the relevant policies which seek to manage and control the location of new development in the interests of good access to services. The proposal would therefore conflict with Policy 12 of the CA and Policy DM4 of the SADMP, the aims of which I have set out above.

Other Matters

15. Outline planning permission has been granted at appeal for the construction of up to 55 dwellings on land at Wykin Lane, Stoke Golding (Ref APP/K2420/W/20/3262295). More recently, outline planning permission was granted for up to 61 dwellings on land off Wood Lane, Higham on the Hill (Ref 21/01147/OUT). Whilst some harm was found in their regard, these schemes differ significantly from the one before me, ostensibly in terms of their scale and thus contribution to new housing and associated elements such as the provision of facilities, services, affordable housing and transport linkages to settlements. Each development proposal is considered on its own merits. As such, I am not led to allowing the appeal.

Planning Balance

16. It is common ground between the parties that the Council cannot demonstrate a deliverable housing land supply of 5 years. Therefore, the most important policies for the determination of the application are out of date and I am taken to paragraph 11(d) (ii) of The National Planning Policy Framework (the Framework), which sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Frameworks taken as a whole.
17. I have found that the proposed development would cause harm to the character and appearance of the area, and that the location thereof would be unacceptable. I ascribe substantial weight to these harms since they would be wide ranging, long lasting and relate to the principle of the proposed development. It would be contrary to the aims of the Frameworks which recognise the intrinsic character and beauty of the countryside and to promote sustainable development in rural areas by ensuring housing is located where it will enhance or maintain the vitality of rural communities.
18. The proposal would provide economic and social benefits through the construction of the development and the additional contributions of the

occupiers to the local community. The one new dwelling would also make a contribution to the supply of housing and the Council's shortfall. Given the scale of the benefits however, contributions would be modest. They would therefore be worthy of limited weight.

19. With that in mind, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal would not represent sustainable development for which the presumption in favour applies.

Conclusion

20. The proposal would conflict with the development plan and there are no material considerations, including the approach of the Framework, which would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

David Jones

INSPECTOR