



## Appeal Decision

Site visit made on 10 May 2022

**by Benjamin Clarke BA (Hons.) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30/05/2022**

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**Appeal Ref: APP/Y2430/W/21/3288733**

**Land on the west side of Granby Lane, Granby Lane, Plungar NG13 0JJ**

- 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 Watchorn against the decision of Melton Borough Council.
  - The application Ref 21/00665/OUT, dated 28 May 2021, was refused by notice dated 15 November 2021.
  - The development proposed is an outline application with all matters reserved except access for the erection of up to four detached dwellings
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The planning application was submitted in outline, with all matters reserved apart from access. I have therefore had regard to all other details on an indicative basis only.
3. The appeal documentation has been accompanied by a revised proposed site plan. Amongst other matters, this identifies the type and size of dwellings that might be constructed on the site. However, this represents a significant amendment from the documentation submitted at the planning application stage. I cannot be certain that all interested parties have had the opportunity to comment on this document.
4. Therefore, I believe it will cause prejudice to other parties if I determine the appeal with reference to this document. In result, I have considered the appeal with reference to the plans originally considered by the Council.

### Main Issues

5. The main issues relevant to this appeal are:
  - the effect of the development on the character and appearance of the surrounding area;
  - the effect of the development upon ecology and environmental sustainability;
  - the suitability of the site as a location for a residential development, with particular regard to the requirements of local planning policies; and
  - the effect of the developments on highway safety.

## Reasons

### *Character and appearance*

6. The appeal site is located inside the confines of the village of Plungar. However, it is currently undeveloped and located adjacent to a further undeveloped area. Some of the site's boundaries are marked by hedges, including the boundary adjacent to Granby Lane. The surrounding area contains several dwellings arranged in a broadly linear form. Furthermore, they feature areas of open space that surround them. In consequence, the presence of such areas and the undeveloped nature of the appeal site and adjoining land create a less developed character that allows the settlement to harmonise with its more rural surroundings.
7. The proposed development, although submitted in outline form, would potentially allow for the erection of up to four dwellings. Even though some of these might have a limited building height there would still be a noticeable increase in the overall level of built form at the site. This would be perceptible over the boundary treatments that would be present.
8. In reaching this view, I have had regard to the fact that the appeal proposal would be visible from Granby Lane and, in particular, the area adjacent to the site's entrance. In addition, the proposed development, irrespective of form, would be perceptible from several key points in the surrounding area. These include the car park of a nearby public house and Frog Lane, which is also close to the appeal site.
9. In consequence, the proposed development would be readily apparent and would be prominently located. This means that the general open and verdant character of the appeal site would be eroded by the proposed development. Furthermore, the character of openness within the village would also be eroded due to the increase in built form. The appeal site would be near to a further area of open space. However, there is no certainty that this could be managed throughout the life of the development.
10. Although the layout of the development has been reserved for future consideration, the proposed development would potentially contain up to four dwellings. Therefore, if four dwellings were to be constructed, this is likely to result in dwellings being located to the rear of the site, even if they were of a small size.
11. This would mean that the general character of a linear form of development with areas of open space around dwellings would be eroded.
12. I have had regard to the fact that the proposal includes a footpath that would be provided to the side of the appeal site. This would also ensure that the layout of the proposed development would be potentially experienced by a greater number of people thereby increasing its prominence.
13. In addition to the general increase in built form, the proposed development is also likely to include items such as areas of hard standing. This would be necessary for the manoeuvring of vehicles and to provide access to and from the proposed dwellings. This would contribute to a general increase in the overall level of built form and the erosion of the sites intrinsic verdant character.

14. The proposed development is for the provision of new residential dwellings. This means that there is a significant likelihood that items such as domestic paraphernalia, which may fall outside of the definition of development, may be placed within the gardens of the proposed dwellings. This is therefore likely to contribute to a further erosion of the rural and less developed character of the appeal site.
15. Whilst the open space is not currently the subject of formal protection, it contributes to a verdant and more rural character. Therefore, it makes a significant contribution to the character of the surrounding area. In consequence, the proposed development would lead to an erosion of the area's character.
16. I therefore conclude that the proposed development would have an adverse effect on the character and appearance of the surrounding area. The development, in this regard, would conflict with Policies D1 and EN6 of the Melton Borough Local Plan (2018) (the Local Plan). Amongst other matters, these seek to ensure that developments have a siting sympathetic to the character of the surrounding area; and do not harm open areas that contribute positively to the individual character of a settlement.

#### *Ecology and Environmental Sustainability*

17. The proposed development would result in a greater increase in the overall level of hard standing at the site. This would comprise the erection of the new dwellings, in addition to changes in the type of surfacing that would be present at the appeal site.
18. The appeal site is near to the Grantham Canal Site of Special Scientific Interest. The evidence before me indicates that the canal supports, amongst other matters, floristically rich tow paths; a breeding bird community; and terrestrial and aquatic insects. The proposed development would potentially result in the site having a diminished ability to absorb rainwater.
19. Therefore, a change in the runoff of water from the appeal site to the canal has the potential to disrupt these matters. As a scheme to manage water runoff has not been submitted as part of the appeal proposals, I am unable to conclude that the development would not have an adverse effect upon the canal environment.
20. I have considered whether it is possible to impose a condition requiring the agreement of details of drainage systems to be submitted and agreed by the council prior to development taking place. However, at this juncture it is not possible to identify the scale and type of any mitigation. Therefore, it is not possible to draft a condition with sufficient precision to meet the test of reasonableness as prescribed within the Framework. In result, this suggestion does not overcome my concerns.
21. The proposed development could include other measures to provide increased environmental sustainability. Therefore, I have no reason to believe that the proposed development would breach Local Plan Policies EN8; EN9; and EN10. Amongst other matters, these seek to ensure that all new developments demonstrate the need to mitigate; adapt to climate change; and reduce carbon emissions.

22. However, whilst these are matters of note, they would not overcome the adverse effects as previously identified.
23. I therefore conclude that the proposed development would have an adverse effect upon ecology. The development, in this regard, would conflict with the requirements of Local Plan Policies EN2; EN11; and EN12. Amongst other matters, this seeks to ensure that new developments result in a net gain for nature; protect and enhance biodiversity; include sustainable urban drainage; and minimise the risk of flooding.

*Suitability of the site*

24. The proposed development would be located within the confines of the settlement. In considering this appeal I have been directed towards policy SS3 of the Local Plan. In summary, amongst other matters, this policy requires that any new housing in smaller settlements is only provided in instances where there is a proven local need.
25. In this instance, the evidence before me indicates that there is a requirement for up to four market houses within the village. The development, given that it could provide up to four dwellings, would comply with this objective. In consequence I believe that the development could address an established local need.
26. There is some debate regarding the composition of dwellings that are needed. It is suggested that the greatest need within the local area is for dwellings that are smaller in nature. The submitted plans are indicative that the proposed dwellings would have a larger size.
27. However, I am mindful that the proposed development was submitted in outline form with all matters reserved apart from access. In result, a further application would be required to agree the scale of the development. Therefore, this would provide a mechanism to consider the size of the proposed dwellings and ensure that they are reflective of local need.
28. In consequence, if at the time that this application was to be considered by the council, there was a need for smaller houses, this could be addressed at this stage. The evidence before me does not indicate that it would not be possible to construct smaller dwellings on the appeal site. Therefore, I have no reason to believe that the proposal would not be constructed in a manner that would be reflective of local needs.
29. Furthermore, I am also conscious that the appeal proposal is made in outline. Therefore, there could be a notable amount of time that might elapse between the determination of this appeal and, if I were minded to allow it, the consideration of any reserved matters. Therefore, at the time reserved matters could be considered, the local housing need could potentially be different to the current circumstances.
30. I acknowledge that the level of services within the settlement are commensurate with that which might be expected in a rural area, including public transport provision and that the road network may not be conducive to travelling by means such as on foot or by bicycle. However, given that there is an established local need, these matters do not overcome, or outweigh, my previous observations.

31. Concerns have been raised regarding the management of the housing should the appeal be allowed. However, the policy to which I have been directed does not suggest that new developments should be accompanied with a legal mechanism to control the way the dwellings are occupied. In consequence, I am unable to identify a breach of the Development Plan in this regard.
32. It has been suggested that the housing need could be met within a different settlement within the same parish. Whilst this might be the case, it has not been demonstrated that there is a deliverable scheme nearby that might accommodate the additional dwellings. Therefore, this suggestion does not overcome my previous observations.
33. I therefore conclude that the appeal site does not represent an unsuitable location for the proposed residential development. The development, in this regard, conforms with the requirements of Policy SS3 of the Local Plan.

#### *Highway Safety*

34. The proposed development would result in the creation of a new access point, from the highway in Granby Lane, to provide vehicular access to the proposed dwellings. The boundary of this part of the site features a large hedge. The proposed access point is located near to a corner in Granby Lane.
35. The proposed development would result in the intensification of the use of the road as more people will need to access their respective dwelling. In turn, this would lead to additional vehicles looking to join Granby Lane close to a corner in the road.
36. However, the evidence before me indicates that suitable visibility splays could be provided as part of the proposed development. This would ensure that motorists leaving the appeal site would have the potential to view approaching vehicles in both directions. This would occur even though there is a curve in this section of Granby Lane near to the appeal site.
37. Furthermore, the proposed development would be for a maximum of four dwellings. This means that the number of vehicle movements associated with the development are unlikely to be of a significantly large number. In result, the frequency by which vehicles are likely to join the highway at this section of Granby Lane is unlikely to be significant. In addition, I have also found that the proposed development would respond to a local need, which would reduce the potential for additional car journeys.
38. This factor, when combined with the provision of appropriate visibility splays means that approaching motorists would have sufficient warning of an additional vehicle joining Granby Lane. This would ensure that vehicle movements do not conflict with one another.
39. I understand that appropriate visibility splays for pedestrians are not shown on the submitted plans. However, the proposed development would have sufficient room to include such a visibility splay. Had I been minded to allow this appeal, I could have imposed a condition that would have required the implementation and retention of such visibility splays.
40. Furthermore, any such conditions could also have placed limitations on the amount, or height, of items placed or planted within these splays. This would have provided certainty that the development could be constructed in a

manner to prevent there being an erosion of highway safety for both road users and pedestrians.

41. The submitted details are indicative that the road would be bound with a sealed surface material, which would prevent loose materials, such as gravel, being dragged onto Granby Lane which might otherwise erode highway safety.
42. I therefore conclude that the proposed development would not have an adverse effect upon highway safety. The development, in this regard, would conform with the requirements of Policy IN2 of the Local Plan. Amongst other matters, this seeks to ensure that new developments minimise additional travel; and do not unacceptably impact upon the safety of traffic on the highway.

### **Other Matters**

43. The proposed development includes a new footpath. Whilst this might provide some benefits to the local community as a result of increased accessibility, the benefits of this element of the proposal are relatively small given the presence of pedestrian routes elsewhere within the vicinity.
44. In addition, I understand that some land would be offered for community use. However, I have not been provided with complete certainty that this space would be appropriately managed throughout the life of the development. This lessens the benefits that arise from this point. In consequence, these matters do not overcome my previous concerns.

### **Conclusion**

45. The proposed development would not have any adverse effect upon the level of highway safety and would not represent an inappropriate location for a residential development. However, this is outweighed by the adverse effect upon the character and appearance of the surrounding area and ecology. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

*Benjamin Clarke*

INSPECTOR