



Appeal Decision

Site visit made on 21 June 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th July 2022

Appeal Ref: APP/Y2430/W/21/3289843

High Leys Farm, Belvoir Road, Eaton NG32 1SN

- 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 Ms D Beardall against the decision of Melton Borough Council.
 - The application Ref 20/00380/FUL, dated 25 March 2020, was refused by notice dated 6 July 2021.
 - The development proposed is change of use of existing dwelling for holiday letting into a live-work unit.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On my site visit, I saw that the appeal building is already occupied as a live-work unit. I have therefore assessed the appeal on the basis that planning permission for the proposed mixed-use is sought retrospectively.

Main Issue

3. The main issue is whether the appeal site would be a suitable location for the development, having regard to the development plan and national policy.

Reasons

4. Policy SS2 (Development Strategy) of the Melton Borough Local Plan (2018) (LP) sets out the spatial strategy for the Borough. It confirms amongst other things that outside the settlements identified as Service Centres, and those villages identified as Rural Hubs and Rural Settlements, new development will be restricted to that which is necessary and appropriate in the open countryside.
5. There is no evidence before me to suggest the Council cannot demonstrate a five-year housing land supply. On that basis, the permanent residential occupation of the building is not necessary in the countryside and conflicts with the strategic objectives of the development plan.
6. Notwithstanding the above, the mixed-use needs to be considered in the context that it also includes a business element. National Planning Policy Framework (the Framework) offers support for the sustainable growth and expansion of all types of businesses in rural areas. Policy EC2 (Employment Growth in the Rural Area (Outside Melton Mowbray)) of the LP also offers support for the rural economy confirming amongst other things that it will allow for rural employment proposals which create or safeguard jobs.

7. The change of use does not relate to an existing farm building given it has previously been converted and it is not a new building for employment. No objective evidence is before me to suggest it would meet an identified local need, rather it appears it would meet the personal requirements of those operating the business. Therefore, the employment component does not fall under criteria 1) or 5) of Policy EC2 nor any of the other types of rural employment development that are set out as being acceptable under this policy.
8. Policy EC4 (Other Employment and Mixed-Use Proposals) of the LP encourages mixed-use developments (incorporating employment uses) outside of existing or allocated employment sites. This could in theory include a mixed-use live-work unit if it were to meet the specific criteria under this policy.
9. Based on the evidence before me, and from what I saw on site, I am satisfied that the employment component of the scheme could be satisfactory accessed by service and other employment related vehicles and that the mix of uses would not result in unacceptable impacts on nearby residents. Given the modest scale of the business operations and that it utilises an existing building, it would not adversely affect land which is of particular significance to the form and character of the nearest settlements. In those respects, the development would not conflict with criteria a), d) or e) of Policy EC4.
10. The appellant has drawn my attention to extracts from the LP which amongst other things recognise that business start-ups are increasing, that there is a growing trend for home-working and that there is an insufficient supply in the Borough of freehold sites and premises. I also accept that there are no over the counter services and that the business does not require a shop front presence.
11. Even taking the above matters into account, town centres usually comprise of a mix of uses and often include for example residential and office space. The appellant's planning statement confirms that the search for alternative accommodation only centred on Eaton. No objective evidence is before me to demonstrate that there are currently no vacant premises for a modestly scaled knitwear business in the Borough's town centres. Therefore, I am not persuaded that the development would not be more appropriately located in a town centre as opposed to the countryside. This means that the development conflicts with criteria b) of Policy EC4.
12. There is no footpath or street lighting connecting the site to the nearest settlements with public transport links. Together with the distances involved to these settlements, public transport is therefore not easily accessible from the site. During periods of inclement weather, or at times of the year when there are reduced hours of daylight, walking or cycling to the nearest settlements with public transport links would be even less desirable. Consequently, I find that the appeal site's location conflicts with criteria c) of Policy EC4.
13. The Framework confirms that sites to meet local business and community needs in rural areas may have to be found beyond existing settlements, and in locations that are not well served by public transport. The planning statement provided indicates that those operating the business have a personal preference to locate in the area as they enjoy being part of the local community. From the information provided, the other businesses that the appellants work closely with, to design and produce knitwear, are not located in Eaton or the immediate rural area. Any other work which is unrelated to the

knitwear business, but which requires regular contact with the surrounding farming community, has not been set out in detail. Therefore, there is no evidenced local business and community need for the mixed-use or its occupiers to locate at the appeal site.

14. I accept that there would be limited benefits through the reduced need to travel to work for those both living and working on the site. However, this is somewhat diminished by the fact that there would likely be a heavy reliance on the private motor vehicle, both for the occupiers of the dwelling to be able to access the nearest meaningful provision of services and facilities in the wider locality, and for most of those visiting the dwelling or the business.
15. Finally, criteria f) of Policy EC4 requires that proposals are of an appropriate scale in the context of the existing settlement. This indicates to me that the policy anticipates that proposals are to be considered in situations where they closely relate to a settlement. Given that the site is located away from the nearest recognisable settlements, the change of use cannot meet this requirement. Even if I were to take an alternative view on this matter, this does not overcome the other identified conflict with Policy EC4 all of which persuades me that the live-work unit is not necessary or appropriate in the countryside.
16. I conclude, the appeal site is not a suitable location for the live-work unit having regard to the requirements and sustainable objectives of Policies SS2, EC2 and EC4 of the LP and the Framework.

Other matters

17. The appellant suggests that they may expand the business to include the rearing of livestock on the surrounding land for wool to be used in its products. However, this is only an aspiration at this stage and does not persuade me that the knitwear business in its current form needs to be located in the countryside. The security issues put forward relate to stock associated with the proposed business which for the reasons given, I have found does not require a rural location. No substantive evidence is before me to suggest that the development would address existing security or welfare issues related to livestock.
18. My attention has been drawn to extracts from a previous appeal decision¹ which sought to remove the occupancy restriction on the holiday-let to allow for permanent residential occupation of the building. From the information before me, the Inspector in that case observed that there was no guarantee that a holiday-let would be continuously let throughout the year and considered a permanent domestic use would be likely to be less sustainable. I agree and find that the regular trips to the nearest services and facilities by permanent residential occupiers, together with any visitors to the site either in a domestic or business capacity, would be likely to be significantly above the number of trips associated with a holiday-let. Therefore, the levels of activity associated with the fall-back position are not comparable to the proposed mixed use.
19. With regards to the relative costs of operating from the site or from an alternative site in a more sustainable location, I have not been provided with

¹ Appeal Ref APP/Y2430/W/15/3140545

any detailed financial appraisals to demonstrate that the appellant's business is only economically viable under the live-work scenario at the appeal site.

20. Even if the Council would consider a proposal just for the business element of the scheme more favourably, and whether or not this would be compatible alongside the holiday-let, this does not persuade me that the harm identified would be justified. In any case, I have assessed the specific proposal before me for a mixed-use.
21. I have seen the written representations of support from third-parties. The majority of comments made relate to matters covered under the main issue. The works to restore the building have already been undertaken and are not reliant on the appeal being favourably determined. With regards to the prospect of the building being well-maintained through its occupation, I find no reason to consider this would not also be the case under the permitted use for a holiday-let.

Conclusion

22. The appeal site is not a suitable location for the development and would conflict with the development plan taken as a whole. It would also conflict with the sustainable objectives of the Framework. 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.

M Russell

INSPECTOR