
Appeal Decision

Site visit made on 9 August 2022

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 September 2022

Appeal Ref: APP/T2405/W/22/3296544

Wayside Farm, Welford Road, Kilby LE18 3TE

- 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 and Mrs Taylor of AM and EC Taylor Properties against the decision of Blaby District Council.
 - The application Ref 21/1435/FUL, dated 2 December 2021, was refused by notice dated 23 March 2022.
 - The development proposed is subdivision of Wayside Farm to create separate dwelling from existing stable/guest accommodation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposed development would provide a suitable site for a new dwelling, having particular regard to the local and national planning policies relating to the location of new residential development in the District.

Reasons

3. The appeal site comprises of a building used for stabling with ancillary services, office, garage and ancillary guest accommodation located adjacent to a detached dwelling in an open countryside location. It is set back and accessed via an accessway from the A5199 Welford Road. The proposal would involve the subdivision of Wayside Farm and conversion of the office, garage and ancillary accommodation within the stable building into a new dwelling.
4. The Council's Spatial Strategy is set out in Policies CS1 and CS5 of the Blaby District Local Plan Core Strategy 2013 (CS) and seeks to direct most development to the district's larger settlements and lesser amounts to the villages in the rural areas. In order to promote sustainable patterns of development, Policy CS10 seeks to reduce the need to travel by private car by locating new development so that people can access services and facilities without the reliance on the private car. The appeal site is located within in an area classed, in policy terms, as countryside wherein CS Policy CS18 and Policy DM2 of the Blaby District Local Plan Delivery DPD 2019 (LP) applies.
5. CS Policy CS18 and LP Policy DM2 permits only certain categories of residential development in the countryside including those to meet the essential needs for

a rural worker in agriculture, horticulture or other similar uses appropriate to a rural area and replacement dwellings. Criteria e) of LP Policy DM2 permits the change of use, adaptation and extension of an existing buildings in certain circumstances. Based on the evidence before me, the proposed conversion of part of the stable building to a new dwelling does not fall within any of the categories resulting in a conflict with these policies.

6. Paragraphs 79 and 80 of the National Planning Policy Framework (the Framework) seek to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities and avoid new isolated homes in the countryside unless there are special circumstances, such as where there is an essential need for a rural worker, involves the subdivision of an existing residential building; or where the development would re-use a redundant or disused building and enhance its immediate setting, which do not apply in this case.
7. The appeal site would be physically and visually divorced from the nearest settlements of Kilby to the south and Kilby Bridge to the north. The nearest settlements lack any local services and facilities other than a public house and primary school in the village of Kilby and a public house at Kilby Bridge. This would, therefore, necessitate the need for the future occupiers to travel for day to day services and facilities in Wigston and other nearby villages and towns. These settlements are a reasonable distance away and from the evidence provided, and from my observations on my site visit, are not readily accessible by safe public footpaths or a regular public transport service. The appeal site is not within easy walking distance of these settlements and the nature of the surrounding road network, with a lack of footpaths and lighting, limits pedestrian accessibility to the nearby services.
8. The Framework recognises that opportunities to maximise sustainable transport will vary from urban to rural areas. However, in this case, the appeal site would be functionally isolated in this rural location such that the future occupiers of the proposed development would be reliant on the use of the car to reach day to day services, facilities and employment elsewhere. This would, in my view, limit any meaningful enhancement or maintenance of the vitality of the surrounding rural communities and as such the proposal would therefore represent an isolated home in the countryside contrary to the aims of the Framework.
9. Consequently, I conclude that the proposed development would not provide a suitable site for a new dwelling, having particular regard to the accessibility of local services and facilities. It would be contrary to Policies CS1, CS10 and CS18 of the Blaby District Local Plan Core Strategy 2013 and Policy DM2 of the Blaby District Local Plan Delivery DPD 2019.

Other Matters

10. I have considered the appellants comments regarding their personal circumstances, the marketing of the house, outbuildings and the land at Wayfield farm and the benefits arising from the proposed development. However, the courts have generally taken the view that planning is concerned with land use in the public interest. Although personal circumstances can sometimes justify a personal or temporary permission, that would not be appropriate here where a permanent structure and its change of use is

intended and as such are matters to which I can attach only limited weight in making this decision.

11. I have considered the appellants statement on the fall-back position on the appeal site and the appellants options to apply for use of the stable outbuilding as a livery with the ground floor ancillary accommodation used as part of a livery provision. Be that as it may, there is little specific substantial evidence before me to support there is the reasonable likelihood that such a proposal would be go ahead if this appeal is dismissed. I note that no planning application has been submitted for this proposal and that planning conditions 8 and 11 of the original planning permission¹ for the outbuildings restricted the use of the stables, guest room and accommodation as ancillary to the main dwelling. As such this a matter to which I can attach only limited weight.
12. I note the appellants comments regarding the various benefits arising from the proposal including the scheme's high quality design and providing additional separate accommodation to meet the needs of the appellants. While I have given them some weight, these benefits would not be sufficient to outweigh the harm I have identified. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

13. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR

¹ 08/0075/1/PXCS