



Appeal Decision

Site visit made on 12 August 2022

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 1 September 2022

Appeal Ref: APP/Y2430/W/22/3295113

Stable block on land to the north-west of Bolton Lane, Hose, Melton Mowbray, Leicestershire

- 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 R Chantry against the decision of Melton Borough Council.
 - The application Ref 21/01249/FUL, dated 3 November 2021, was refused by notice dated 24 February 2022.
 - The development proposed is the conversion and change of use of redundant stable block to 1 bed dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the location of the proposed development would be in accordance with the development plan.

Reasons

3. Applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the area includes the Melton Local Plan ('Local Plan') which was adopted in 2018 and the Clawson, Hose and Harby Parish Neighbourhood Plan ('Neighbourhood Plan') that was made in the same year. The National Planning Policy Framework ('the Framework') is also an important material consideration.
4. The development strategy for the Borough is contained within policy SS2 of the Local Plan. The strategy establishes a settlement hierarchy which focuses the majority of new housing development (approximately 65%) on the Main Urban Area of Melton Mowbray. Hose is identified as a Service Centre where, together with Rural Hubs, the remaining housing development is to be accommodated on a proportionate basis.
5. Rural Settlements is a classification that covers small villages and hamlets in the Borough. To help address a proportion of the Borough's housing need windfall sites are supported by the Local Plan in and adjacent to Service Centres, Rural Hubs and Rural Settlements subject to the criteria contained within policy SS3. Outside of these settlements lies the open countryside where new development is strictly controlled.

6. The Neighbourhood Plan includes allocated housing sites within the Limits to Development of Hose. Policy H3 of the Neighbourhood Plan supports the development of 1 to 2 dwellings per field directly adjacent to the Limits to Development where access is directly available to current roads. Policy H4 supports such windfall development subject to other criteria.
7. The Local Plan and the Neighbourhood Plan predate the publication of the Framework. In such circumstances paragraph 219 of the Framework advises that the weight that should be given to their policies should accord to their degree of consistency with the Framework. This is a matter that I will determine in my overall conclusions.
8. Hose is identified as a Service Centre due to its range of services and facilities. Subject to compliance with certain criteria, the proposed development would accord with policy SS3. Where such development would enhance the sustainability of a Service Centre in accordance with policy SS3 it would also be compliant with policy SS2.
9. In terms of the criteria of Policy SS3, it is common ground that the proposal would not harm the character and appearance of the area. There is also no suggestion that ecological or heritage features would be harmed or that the proposal would result in the loss of valuable agricultural land. In addition, no flood risk has been identified. As the proposal would help meet the need identified by the Neighbourhood Plan for small (1,2 or 3 bedroom dwellings) it would help meet a proven need.
10. In relation to service by sustainable infrastructure, the access road between the site and Bolton Lane is unmade and in poor condition which would deter future occupiers walking into the village to access its services and facilities. On the basis of the submitted plans, the access road does not appear to be within the control of the applicant. However, this could be addressed by attaching a negatively worded condition to a permission preventing development until the road was improved to an acceptable standard. On the basis of the submitted evidence, given the compliance with the above criteria, the proposal would accord with policy SS3 of the Local Plan. As a result, it would also accord with policy SS2.
11. The Neighbourhood Plan though also forms part of the development plan. Its policies devised in consultation with the local community and subject to a referendum are more detailed than the policies of the Local Plan and are specific to the settlements concerned.
12. The stable block that is the subject of the appeal lies outside the Limits to Development for Hose towards the south eastern corner of a large, hedged field. In planning policy terms it is therefore located within the open countryside. As only the north eastern tip of this field abuts the Limits to Development for the village, the field is not directly adjacent to the Limits to Development identified in the Neighbourhood Plan.
13. Until such time as reserve housing site NPHOS 3 is released for development, and the Limits to Development are accordingly redrawn, this situation will not change. Given the healthy housing land supply for the Borough referred to by the Council, and the absence of submitted evidence that the overall delivery of housing for the parish of Clawson, Hose and Harby has fallen below the required minimum of the

Local Plan, it is not evident that the release of this site is likely to occur in the near future.

14. Taking the above matters into account, the location of the proposal would therefore be contrary to policies H3 and H4 of the Neighbourhood Plan. As a result, although the proposal would comply with the higher level strategic policies of the Local Plan, namely policies SS2 and SS3, it would demonstrably harm the spatial strategy of the development plan. As it would not comply with the Neighbourhood Plan it would also be contrary to policy SS1 of the Local Plan which contains a presumption in favour of sustainable development.
15. It is common ground that the proposed development would not result in the development of an isolated home in the countryside. I agree with that assessment. As a result, the circumstances in which such a dwelling would be supported by paragraph 80 of the Framework do not apply.

Overall Conclusions

16. Reference has been made in support of the appeal to paragraphs 78, 79, 119 and 120 of the Framework which relate to rural housing and the effective use of land. The Local Plan and Neighbourhood Plan pre-date the Framework. In such circumstances paragraph 219 of the Framework advises that the weight that should be given to their policies should accord to their degree of consistency with the Framework.
17. The thrust of the spatial strategy contained within the policies of both plans discussed in relation to the main issue is to focus development on urban areas whilst also identifying opportunities for villages to grow and thrive. Neighbourhood Plan policies also seek to make effective use of land. As such, the policies of the development plan cited in relation to the main issue are compliant with the Framework and the paragraphs mentioned above. I therefore attach little weight to the cited paragraphs in support of the appeal and I attach considerable weight to the conflict identified between policies of the development plan and the proposal.
18. On the basis of the local planning authorities assessment, subject to appropriate conditions, the proposal would comply with policies of the development plan in relation to character and appearance, residential amenity, highway safety and ecology. I agree with that position. Given the notable conflict though with the spatial strategy for the area described, I find that the proposal would conflict with the development plan considered as a whole.
19. The proposed development would have economic benefits during the construction phase and in increasing the housing stock there would also be a social benefit. Given that the proposed development would only result in a small one bedroom property these benefits though would be limited. Environmentally, the proposal would make efficient use of a redundant building. The building is located within easy walking distance of the services and facilities that Hose has to offer and the poor surface of the access road could be improved by condition. I attach some weight to these considerations in favour of the appeal.
20. As I have noted above, the proposal would not harm the character and appearance of the area, residential amenity, highway safety or ecology. However, the absence of harm in these regards is not a benefit and so is a consideration of neutral weight in the overall planning balance.

21. Taking all these matters into account, I conclude that the other considerations put forward in favour of the proposal are insufficient to outweigh the proposal's non-compliance with the development plan and harm that would occur to its spatial strategy. Material considerations therefore do not indicate that the proposal should be determined other than in accordance with the development plan. Accordingly, the appeal should be dismissed.

Ian Radcliffe

Inspector