



Appeal Decision

Site visit made on 15 August 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2022

Appeal Ref: APP/Y2430/W/22/3297095

Field End, 10 The Green, Stathern LE14 4HH

- 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 Redmile Toftshill Ltd. against the decision of Melton Borough Council.
 - The application Ref 21/01035/FUL, dated 15 August 2021, was refused by notice dated 21 January 2022.
 - The development is described as 'full planning application and conservation area consent for the demolition of an existing barn and the 2 no. existing Dwellings and their replacement with 3 no. new dwellings'.
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Decision

1. The appeal is allowed and planning permission is granted for full planning application and conservation area consent for the demolition of an existing barn and the 2 no. existing Dwellings and their replacement with 3 no. new dwellings at Field End, 10 The Green, Stathern LE14 4HH in accordance with the terms of the application, Ref 21/01035/FUL, dated 15 August 2021, subject to the Schedule of Conditions set out at the end of this decision.

Procedural Matters

2. Since the decision was issued, the Stathern Neighbourhood Plan, made 27 June 2022 (SNP) now forms part of the development plan. Further comments on this have been submitted by both parties and I have had regard to these when reaching my decision.

Main Issues

3. The main issues are:
 - the effect on the character and appearance of the surrounding area, including the Stathern Conservation Area (CA); and
 - is the site a suitable location for housing with regard to the Limits to Development (LTD) for Stathern;

Reasons

Character and appearance

4. Part of the site falls within the CA. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". Although the reason for refusal refers to the "nearby CA", both

parties have identified that part of the site does lie within the CA in their supporting information and officer report as appropriate.

5. The Stathern Conservation Area Character Appraisal (ConApp) identifies that the CA largely derives its significance from loose knit development interspersed with green open spaces. The boundary specifically includes open spaces on the periphery of the settlement. This site lies at the junction of The Green and Birds Lane, both of which are specifically identified in the ConApp. Both are characterised by dwellings which face onto the street, although the character changes from a mixture of old and new properties along The Green, to the older, terraced properties of Birds Lane.
6. The appeal proposal involves the demolition of the existing barn and semi-detached dwelling on the site. The barn is within the CA, as is some of the open land behind it. This open land does not appear to be one of the specifically included open spaces referred to in the ConApp as it is not readily visible, nor does it make any specific contribution to the character or appearance of the CA. With its corrugated finish, the barn effectively presents a blank elevation to the street and does not make a positive contribution to the character and appearance of the CA. It would be replaced by Plot 1 which is shown as a part two-storey, part single storey dwelling. This would continue the existing pattern of development on The Green. The dwellings along that side of the street are modern in appearance but linked by the similarities in materials and detailing. The proposed dwelling would integrate with the existing street providing appropriate materials were used, which could be controlled by condition. I would consider that this accords with the commentary within the ConApp regarding new development and its design. I therefore consider that this aspect of the appeal proposal would have a positive effect on the character and appearance of the CA.
7. The semi-detached dwellings are sited outside the CA but contribute to its setting by providing a transition from the rural surroundings to the developed area of Stathern. The building does not have a cohesive appearance. It is proposed to replace it with two detached bungalows designed to refer to agricultural buildings through the use of barn style doors and cladding under the windows. As the bungalows would be detached, set back from the road and bounded by hedgerows, the site would continue to represent a transition from village frontage development to the countryside. I therefore consider there would be a neutral effect on the setting of the CA.
8. The quality of the design and layout of the development is also appropriate in terms of its relationship to the wider character and context of the local area which is more modern towards Woodview Paddock.
9. The appeal proposal does not project further into the open countryside than the existing developments along Tofts Hill and Woodview Paddock, nor significantly beyond the existing buildings on the site.
10. The view across the site is identified in the SNP as an important view. However, views in this direction from Tofts Hill are limited by the existing dwellings and the hedgerows, along with the topography. Even if the hedgerows were reduced in size, this site sits within the envelope established by the dwellings along Tofts Hill and Woodview Paddock. Any effect would be further reduced by the single storey nature of much of the proposed development.

11. The site at present does allow for views out of the village towards the escarpment, however away from the site access, these are constrained by the existing buildings, the agricultural buildings that sit to the rear of the site and the surrounding topography. Some limited views would remain, in part due to the single storey nature of plots 2 and 3.
12. In relation to this main issue, and having regard to the advice in the National Planning Policy Framework (the Framework), I consider that the appeal proposal would at least preserve the character and appearance of the CA. It would be consistent with the identified special character of the CA in accordance with Melton Borough Local Plan, adopted October 2018 (MBLP) Policy EN13. The appearance, layout and siting of the appeal proposal would be sympathetic to the character of the area, would reflect the wider context of the local area, respect the existing landscape and settlement character, and would not compromise the amenity of neighbouring properties in accordance with MBLP Policies D1, EN1 and EN6 and would enhance local distinctiveness in accordance with SNP Policy H5. The development would respect the important views identified in SNP Policy ENV9.

Is the site a suitable location for housing

13. The SNP establishes LTD for Stathern which places a proportion of this site outside of that limit. The majority of the area outside of the LTD would comprise the private garden space associated with the proposed dwellings, however approximately half of the property at Plot 3 would be in the open countryside.
14. SNP Policy H2 sets criteria for allowing the development of windfall sites. The Council specify that the proposal fails to comply with two of the criteria. One of these requires the development to be in keeping with the character of the area which I have assessed above and found to be acceptable.
15. SNP Policy H1 confirms that land in the open countryside will be carefully controlled in line with local and national strategic planning policies. Stathern is defined as a Service Centre in the MBLP, where Policy SS2 supports small scale residential windfall development where it would be in accordance with the presumption in favour of sustainable development set out in MBLP Policy SS1. National policy on this point is set out in paragraph 79 of the Framework, which requires housing to be located where it will enhance or maintain the vitality of rural communities. The land on this site that falls outside the LTD is a location that would support these aims given its immediate proximity to Stathern and the services and facilities it contains.
16. The appeal proposal is therefore not in accordance with SNP Policy H2 as part of the site falls outside the defined LTD. However, I find that the parts of the development in the open countryside would accord with local strategic planning policies as set out in MBLP Policies SS1 and SS2, and paragraph 79 of the Framework. Given the limited extent of the development in the open countryside and the compliance of that area with SNP Policy H1, I conclude that the appeal proposal would be a suitable location for housing when the development plan is read as whole.

Other matters

17. National policy remains to significantly boost the supply of housing. While I acknowledge that the SNP does plan for the identified housing requirement, this does not represent a cap on housing development. There would be a benefit from the provision of additional housing, although this would be very modest at the net addition of one dwelling. Nonetheless it is a benefit and I attach limited weight to it.
18. The Council have drawn my attention to a recent appeal decision¹ elsewhere in Stathern for a dwelling which was dismissed. I do not have the full details of that appeal before me, however the Inspector found that proposal to be detached from the settlement edge. I have not found this site to be detached from the settlement edge, distinguishing the appeals from each other.
19. Concern has been raised regarding the effect of the development on the living conditions of neighbouring residents. The levels of overlooking would be consistent with those that can reasonably be expected in residential areas, as are any effects on levels of light.
20. The Council has not raised any concerns in terms of the effect of the development on the operation of the road network or on highway safety. Nor have any issues in relation to social infrastructure, drainage, or safe and healthy communities cited as concerns by the Council. I have no reason to reach a different conclusion on these issues.

Conditions

21. The Council has suggested several conditions should the appeal be allowed. I have had regard to these in light of the advice contained within the Framework and the Planning Practice Guidance (PPG).
22. I have imposed standard conditions with regard to time limits and approved plans to define the terms of the permission.
23. It is necessary to remove permitted development rights to prevent obstructions to the vehicular access and for parking and turning spaces to be provided to ensure the safe operation of the surrounding highway network. I have amended the wording of the condition regarding parking and turning spaces in the interests of precision.
24. The provision of swift boxes is reasonable and necessary in the interests of biodiversity and I have amended the wording of the condition in the interests of precision.
25. Given the location of the site within the CA, and the importance of materials and detailing in maintaining and enhancing its character and appearance, materials and detailed drawings conditions are reasonable and necessary. A landscaping scheme is necessary to ensure the effective integration of the development into the surrounding landscape. However, it is not necessary for these to be pre-commencement conditions and approval by ground floor level would be acceptable.
26. The heights of the approved dwellings are important factors in the acceptability of the scheme, as is the positioning of the majority of the dwellings within the LTD. Having regard to the advice within the PPG, in this case I consider it to be

¹ APP/Y2430/W/21/3289753 dismissed 18 July 2022

reasonable and necessary to impose a condition restricting the permitted development rights of the properties.

27. A condition to secure archaeology is considered reasonable and necessary given the identified historic interest of the site including the ridge and furrow identified in the SNP. This must be a pre-commencement condition to ensure appropriate controls exist at all stages of development. However, I have provided different wording to that proposed by the Council in the interests of clarity.

Conclusion

28. For the reasons given above, the appeal proposal complies with the development plan. The appeal is therefore allowed.

J Downs

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans PL-300 Site Location Plan; PL-302 Plot 1 Plans and Elevations; PL-301B Proposed Site Plan and Elevations; PL-303A Plot 2 Plans and Elevations.
- 3) Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary and must be hung to open away from the highway.
- 4) The development hereby permitted shall not be occupied until such time as the access arrangements and parking and turning facilities as shown on approved drawing PL-301B have been implemented in full. The approved access arrangements and parking and turning facilities shall be retained in perpetuity.
- 5) No development above ground level shall take place until a plan showing a minimum of 3 swift boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be retained within the development in perpetuity.
- 6) No development above ground level shall take place until representative samples of the types and colours of materials to be used on the external elevations of the proposal hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.
- 7) No development above ground level shall take place until details of the treatment of the window/door heads/cills (in the form of scale drawings and material samples/specifications) shall be submitted to and agreed in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 8) No development shall commence until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 9) Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no development within Classes A, AA, B, C, D and E shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.

10) No demolition/development shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- an assessment of significance and research questions;
- the programme and methodology of site investigation and recording;
- the programme for post investigation assessment;
- the provision to be made for analysis of the site investigation and recording;
- the provision to be made for publication and dissemination of the analysis and records of the site investigation;
- the provision to be made for archive deposition of the analysis and records of the site investigation;
- the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

The development shall be carried out in accordance with the approved Written Scheme of Investigation.

[END OF SCHEDULE]