



Appeal Decision

Site visit made on 18 October 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2022

Appeal Ref: APP/T2405/W/22/3300397

Land West Of Cosby Road, Littlethorpe, Leicestershire LE19 2HG

- 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 Alice Anstee and Mr Daniel Sibley against the decision of Blaby District Council.
 - The application Ref 21/0877/OUT, dated 7 July 2021, was refused by notice dated 20 December 2021.
 - The development proposed is construction of single dwelling with access from Cosby Road.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The planning application form and supporting letter states that outline planning permission is sought with all details reserved for future consideration apart from details of access. I have had regard to the access details as shown on the appeal drawings in my assessment. The drawings also show layout details for the proposal as well as concept elevation plans. Like the Council, I have treated such details as being submitted for illustrative purposes only.

Main Issues

3. The main issues are (i) the effect of the development on the character and appearance of the area, and (ii) whether it would be in a suitable location having regards to development plan policies, the National Planning Policy Framework (the Framework) and accessibility.

Reasons

Character and appearance

4. The appeal site forms the front part of a grassed field with an access off Cosby Road. A hedgerow runs along the front boundary with a grass verge alongside the carriageway. A hedge also runs along the north side of the field with a house and garden on the other side. A line of mature trees lies on the rear field boundary and paddocks lie immediately to the south with a row of houses beyond. Hedges, trees and fields lie on the opposite side of the road.
5. The site itself has a strong rural feel due to the open field, hedgerow and trees. Other fields and mature vegetation in the vicinity of the site reinforce the rural character. Recently built houses and homes under construction lie just to the north and on the opposite side of the road. These mark the southernmost part

of the built up extent of Littlethorpe. However, despite their presence and the dwellings on the same side of the road, the site and its immediate surroundings appear as part of the countryside.

6. Most of the details of the proposal are not before me for consideration. However, the introduction of a new dwelling is bound to have a marked effect on the appearance of the site. Boundary vegetation would provide partial screening but the house would be positioned towards the front of the field and so it is likely to be visible from the road, even though the field is set slightly below the level of the highway. The indicative plans show the house would be seen above roadside vegetation if it is 2 storeys high. Even if a single storey dwelling was proposed, the drawings suggest its roof and upper elements would be seen from the highway. Moreover, the development would lead to external residential activities and associated paraphernalia, which in all likelihood would be visible from the road through the access gap.
7. Therefore, it is likely the development would noticeably erode the openness of the field. The house would not appear alien to the area as it would be close to existing dwellings and the built up extent of Littlethorpe would be seen in the background when approaching from the south. Also, a sensitive design and landscape strategy for the site could be secured through the reserved matters process. Nevertheless, the development would obstruct and spoil attractive views from the road of mature trees, hedges and the general countryside. As such, it would appear as a harmful encroachment into the rural landscape. Given its proximity to the road, the proposal would cause significant detriment in these regards.
8. Reference is made to an Inspector's decision regarding a proposed dwelling on land next to 61 Cosby Road¹. While this plot is on the same side of the road and fairly close to the appeal site, the Inspector describes it as a lawn positioned between 2 dwellings with existing built development on 3 sides. This is markedly different to the appeal site which forms part of a larger field that mainly adjoins open land rather than buildings. As such, I am not bound to follow the previous appeal decision in my assessment of the current scheme.
9. For the above reasons, I conclude the development would cause significant harm to the character and appearance of the area. In these regards, it would not accord with policy CS18 of the Blaby District Core Strategy Development Plan Document 2013 (CS) and development management policy 2 of the Blaby District Local Plan (Delivery) Development Plan Document 2019 (LP). Amongst other things, these seek to ensure development in the countryside does not have a significant adverse effect on the appearance or character of the landscape.

Suitability of location

10. CS policy CS1 states that most development will take place within and adjoining the principal urban area of Leicester. Also, the policy identifies larger, medium and smaller central villages where development of an appropriate scale would be permissible having regard to available services and public transport options. CS policy CS5 sets out a housing distribution strategy which looks to focus new development in the most appropriate locations, based upon those identified under CS policy CS1.

¹ Appeal reference number APP/T2405/W/18/3211219

11. Littlethorpe and Cosby are designated as medium central villages, whereas Narborough is defined as a larger central village. However, the appeal site lies outside any of the defined boundaries for these settlements and so under the terms of CS policy CS18 it lies in the countryside. As such, the proposal would not be in a location identified as being appropriate for housing development under the terms of CS policies CS1 or CS5.
12. The wording of CS policy CS18 is ambiguous. It could be read to mean that all built development in the countryside would be resisted or only that development which has a significant adverse effect on the appearance or character of the landscape. However, irrespective of how it is interpreted, the development would conflict with CS policy CS18 as I have already found it would be significantly detrimental to the appearance of the rural landscape.
13. Also, CS policy CS18 seeks to ensure the need to retain the countryside is balanced against the need to provide new housing in the most sustainable locations. The appeal development would not be in the principal urban area or any of the defined villages. As such, it would not be in one of the most sustainable locations as recognised in CS policies CS1 and CS5.
14. Development management policy 2 of the LP sets out criteria for the consideration of some types of development in the countryside. However, the proposal is not a dwelling essential for agricultural, forestry, employment or leisure needs or a replacement dwelling. As such, the provisions of the policy in these regards are not relevant to my assessment.
15. The Framework generally resists the provision of new isolated homes in the countryside except in specified circumstances, none of which apply in this case. However, the proposed house would not be isolated as it would be near to other dwellings and fairly close to the built up extent of Littlethorpe.
16. To promote sustainable development in rural areas, the Framework looks to ensure housing is located where it would enhance or maintain the vitality of rural communities. The proposed dwelling would be located within a reasonable walking and cycling distance of Littlethorpe and a lit roadside pavement would provide a pedestrian friendly route to the village. Also, both Cosby and Narborough would be within realistic walking distances for some people and they contain a broader range of services including public transport links. Given the reasonably close proximity, it is likely that future occupants of the proposal would support the facilities in these nearby villages. Moreover, the development would be located where residents and visitors would be able to travel by foot, cycle and public transport. As such, it would promote the use of sustainable modes of travel.
17. Therefore, the accessibility of the appeal scheme would be similar to that described by the aforementioned Inspector with regards to the proposal at land next to 61 Cosby Road. However, this Inspector arrives at no conclusion on whether the previous scheme would accord with CS policies CS1 and CS5. As such, it would not be inconsistent with the previous appeal decision to find the appeal scheme would be in conflict with CS policies. Also, the Inspector does not indicate whether acceptability in terms of accessibility to services would address or override any conflict with development plan policies.
18. For the reasons given above, I conclude that the proposed development would be contrary to the provisions of CS policies CS1, CS5 and CS18 as it would not

be in a location identified as being appropriate for housing. The Council's refusal reasons also refer to CS policy CS24 and development management policy 2 from the LP but these contain no provisions relevant to this particular issue. The harm caused in these regards would be tempered by the scheme's accordance with the provisions of the Framework on the location of rural housing and accessibility. However, such compliance does not fully address or overcome the conflict with development plan policies.

Other Matters

19. The proposal would not prejudice highway safety, would not be subject to significant flood risk and could be designed to avoid harm to the living conditions of nearby residents. Acceptability in these regards is a neutral factor rather than a benefit to which I attach positive weight in my assessment.
20. The proposal would add to the housing stock. This benefit attracts modest positive weight as only a single dwelling is proposed and as the Council is able to demonstrate in excess of 5 years' supply of housing land. The development would not be within a settlement and so it fails to gain from the support for windfall sites as set out under paragraph 69 c) of the Framework. Overall, the benefits of the scheme are limited.

Conclusion

21. The proposal would be unacceptable when considered against the main issues and so it would not accord with the provisions of the development plan when read as a whole. There is insufficient justification to grant planning permission for the scheme contrary to the development plan policies. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR