



Appeal Decision

Site visit made on 24 October 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31/10/2022

Appeal Ref: APP/X2410/W/22/3292465

Land At Charley Road, Ulverscroft, Loughborough LE12 9XJ

- 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 Roger Davenport against the decision of Charnwood Borough Council.
 - The application Ref P/21/1283/2, dated 24 May 2021, was refused by notice dated 13 August 2021.
 - The development proposed is conversion of an agricultural outbuilding to form a single dwelling with associated works (re-submission).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Despite the response to the contrary on the appeal questionnaire, the Council has not provided a statement of case in response to the appeal. Instead, it has submitted an officer's report and a decision notice that refuses approval as required under the terms of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of the subject building to a dwelling. The report and decision notice do not relate to the application seeking planning permission which has led to this appeal. However, the appellant has been given the opportunity to comment on the Council's submissions and so I have taken them into account in my assessment.

Main Issue

3. The main issue is whether the development would be in a suitable location having regard to the development plan policies, the National Planning Policy Framework (the Framework) and accessibility.

Reasons

4. Policy CS.1 of the Charnwood Core Strategy 2015 (CS) sets out a development strategy for the delivery of new homes. This looks to direct housing development to Leicester principal urban area, Loughborough and Shepshed, identified service centres and other settlements. Also, policy CS.1 allows development that would meet a specific local need in identified small villages and hamlets.
5. The appeal site is located away from any settlement and is in an area dominated by farmland. The proposal would represent the reuse of an existing

- building rather than the construction of a new dwelling. Nevertheless, the scheme gains no support from CS policy CS.1 due to its remote location.
6. Moreover, saved policy CT/1 of the Borough of Charnwood Local Plan 2004 (LP) looks to strictly control development in the countryside. This policy allows the re-use and adaptation of rural buildings but only for identified uses. The change to a residential use is not listed as an acceptable development under LP policy CT/1 and so the proposal would be contrary to this policy. The Council's refusal reasons also refer to LP policy ST/2 but this specifically relates to built development rather than the change of use of an existing building. As such, it is not relevant in my assessment of this appeal.
 7. CS policy CS1 and LP policy CT/1 are inconsistent with the Framework as they do not allow the re-use of rural buildings to provide new homes. Therefore, the conflict with these policies attracts limited weight in my assessment.
 8. However, paragraph 80 of the Framework seeks to avoid the development of isolated homes in the countryside unless particular circumstances apply. The proposal would lead to a new isolated home in the countryside as it would be in a remote rural location away from any other buildings. As such, paragraph 80 of the Framework is relevant.
 9. The re-use of buildings to provide isolated new homes is permissible under the terms of paragraph 80 of the Framework but only where redundant or disused buildings are involved. On my visit, I saw the outbuilding was used to store hay bales and agricultural machinery and I note the photographs on the Council officer's report show it being used for a similar purpose. Also, there is no convincing evidence that demonstrates the building is redundant or disused. Therefore, the appeal scheme gains no support from paragraph 80 of the Framework.
 10. Paragraph 79 of the Framework states that housing in rural areas should generally be located where it would enhance or maintain the vitality of rural communities. The proposed dwelling would be located well away from any settlements and there is no evidence before me to suggest the site is close to any nearby bus services. As such, future occupiers would be highly reliant upon the private car to travel to and from the house. Therefore, it is likely that residents would visit the broader range of facilities in larger settlements such as Loughborough and Shepshed rather than support services in any village or rural community. In these respects, the proposal would be contrary to the provisions of the Framework.
 11. For the above reasons, I conclude the development would not be in a suitable location having regards to CS policy CS1, LP policy CT/1, accessibility and the Framework. CS policy CS25 is referred to in the Council's refusal reasons but this contains no provisions relevant to this issue.

Other Matters and Planning Balance

12. The proposal would be contrary to development plan policies that relate to the location of housing. Therefore, it follows to consider whether sufficient justification exists to grant planning permission contrary to the development plan.

13. The Council accepts it is unable to demonstrate a 5 years' supply of housing land as required under the Framework. The appellant claims that, as of 2022, only 3.04 years' supply can be demonstrated. This is a significant shortfall.
14. In such circumstances, paragraph 11 of the Framework indicates that relevant development plan policies should be deemed as out of date. Paragraph 11 goes on to require consideration of the benefits and the adverse impacts of the development against the policies of the Framework as a whole.
15. As already identified in respect of the main issue, the proposed development would not accord with the Framework in terms of its location and accessibility. The adverse effect in these regards counts significantly against the scheme, particularly given the isolated location of the appeal site.
16. Most of the alterations to allow the proposed conversion would be screened from off the site by roadside hedgerows. As such, while a residential use would be unusual within the rural context, the development would not cause harm to the character and appearance of the area. The scheme would also be acceptable in terms of highway safety and it would not cause harm to the living conditions of occupiers of any residence. Acceptability in all of these regards is a neutral factor rather than a benefit to which I attach positive weight.
17. The appellant refers to other decisions where the reuse of agricultural buildings for residential purposes has been allowed. However, it seems that many of the cited examples lie outside the Council's area and so they would have been assessed against different planning policies. Moreover, the limited information before me fails to explain the reasons for these other decisions. It seems unlikely that the circumstances with these other cases would be so similar to the appeal scheme so as to set a precedent that I am bound to follow.
18. Paragraph 69 of the Framework highlights the contribution that small sites can make towards meeting the housing requirements of an area. However, at paragraph 69 c) it states that great weight is only given to the development of windfall sites within existing settlements. The appeal development would not benefit from the support provided at paragraph 69 c) of the Framework as it would lie well outside any settlement.
19. Nevertheless, the proposal would lead to an extra dwelling that would add to the housing stock. However, this benefit of the scheme attracts only modest positive weight as only a single dwelling is proposed.
20. Having regard to all material factors, I find that the adverse effects of the development would significantly and demonstrably outweigh the modest benefits of the scheme. As such, the presumption in favour of sustainable development as laid out in paragraph 11 of the Framework does not apply.

Conclusion

21. The proposal would not be in a suitable location for the above reasons. It would not accord with the development plan policies when read as a whole and there is insufficient justification to grant planning permission contrary to the development plan. As such, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR