



Appeal Decision

Site visit made on 15 November 2022

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2022

Appeal Ref: APP/Y2430/W/22/3303419

South View, 120 Grantham Road, Bottesford NG13 0EG

- 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 Mr Paul Gaughan of Paul Gaughan Building Consultants Ltd against the decision of Melton Borough Council.
 - The application Ref 20/01054/OUT, dated 7 September 2020, was refused by notice dated 20 June 2022.
 - The development proposed is the demolition of existing dwelling and to allow the erection of 5 detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with approval sought for access, landscaping and layout. I have dealt with the appeal on this basis.

Main Issue

3. The main issue is whether the location of the proposed development would be suitable having regard to the development strategy for the area.

Reasons

4. Policy SS2 of the Melton Borough Local Plan 2011-2036 Development Plan Document (DPD) sets out the development strategy for the Borough. The strategy identifies Melton Mowbray Main Urban Area as the priority location for growth accommodating approximately 65% of the Borough's housing need with Service Centres and Rural Hubs accommodating the remaining housing development on a proportionate basis.
5. DPD Policy SS2 also indicates that in the Open Countryside, which it defines as outside the settlements identified as Service Centres, and those villages identified as Rural Hubs and Rural Settlements, new development will be restricted to that which is necessary and appropriate in such locations.
6. Bottesford is identified as a Service Centre due to its range of services and facilities. The Bottesford Parish Neighbourhood Plan (NP) establishes a limit to development for Bottesford by identifying a village envelope. This places the appeal site outside of and adjoining that limit, and as such it falls within the DPD definition of open countryside, irrespective of the fact that the appeal site comprises a residential property and its curtilage.

7. NP Policy 1 indicates that in the case of residential development in Bottesford village development proposals will be supported if it is located within the defined Village Envelope; or on sites allocated in the DPD; or on unallocated sites within the Village Envelope where the proposal is up to about 10 dwellings; and where the proposal would not lead to a site becoming over developed and out of scale with the immediate character of the locality. Even though the parties agree that the proposal would not be overdevelopment that is out of scale, the appeal site is neither in the Village Envelope nor allocated for residential development. As such NP Policy 1 indicates that the development, being in the open countryside, should be restricted to that which is necessary and appropriate in the open countryside in accordance with DPD Policy SS2.
8. Whilst the appeal site is already in residential use, in the absence of any supporting information that demonstrates otherwise, the proposed development is not necessary nor appropriate in the open countryside and as such it is not supported by NP Policy 1 or, consequently, DPD Policy SS2.
9. The appellant submits that the NP does not comply with the DPD. The NP has, however, been independently examined and has been found to be in general conformity with the strategic policies of the development plan in force. The NP now 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 DPD, are specific to the settlements concerned and accord with the strategic aims of the DPD. As such, whilst I note that no village envelopes are defined within DPD and prior to the NP the proposal may have conformed with DPD Policy SS2, the introduction of such limits to development within the NP is a material change to which I attach significant weight.
10. I conclude that the location of the proposed development is not suitable as it would not accord with the development strategy as set out in NP Policy 1 and DPD Policy SS2 which seek to direct new housing development to the most accessible locations and restrict development within the open countryside.

Other Matters

11. The proposed development would make a very modest contribution towards meeting housing needs. Benefits to the local economy would also be small given the scale of the scheme.
12. A reduction in the speed limit at the edge of the village could have community benefits through a reduction in road noise and would be given moderate weight in the planning balance. However, in the absence of a planning obligation the required financial contribution towards provision of a Traffic Regulation Order, and therefore the reduction in the speed limit, is not secured. As such, this does not weigh in favour of the proposed development.
13. Any pedestrian footpath that is provided would primarily benefit the occupants of the proposed development. As such any wider public benefit of such a footpath would be limited as would the weight that could be given to this factor in the planning balance.
14. Whilst the existing building is in a derelict state, I am not persuaded that this justifies development that is contrary to the development plan.

15. Whilst no objections were raised by the Highway Authority and the development does not have unacceptable effects on living conditions, ecology, drainage, contamination, and flooding, these would be neutral factors that would not weigh in favour of the scheme.
16. When taken together, the benefits of the proposal would not override the conflict with the development plan identified above. Moreover, had the reduction in the speed limit been secured this would not tip the balance in favour of granting planning permission.
17. As material considerations do not indicate otherwise, the requirements of s38(6) of the Planning and Compulsory Purchase Act (2004) indicate that the appeal must be determined in accordance with the development plan.

Conclusion

18. The development conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
19. Therefore, for the reason given above, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR