



Appeal Decision

Site visit made on 10 January 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 10 FEBRUARY 2023

Appeal Ref: APP/T2405/W/22/3294358

Land to the rear of 182 Station Road, Glenfield

- 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 G Billington against the decision of Blaby District Council.
 - The application Ref 21/0622/FUL, dated 6 May 2021, was refused by notice dated 24 September 2021.
 - The development proposed is erection of single dwelling with associated access.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area including the effect on the role and function of the Green Wedge.

Reasons

3. The appeal site comprises part of a paddock that is situated to the rear of a ribbon of development which fronts onto Station Road. The wider paddock is divided into two sections due to the position of a public footpath, bound by post and rail fencing on either side, running across the site, providing public views towards the appeal site. Rear boundary treatments serving nearby dwellings are formed of close boarded fencing and well established hedgerows. A stable block is located to the north west of the appeal site, close to the field boundary. From the appeal site there are views over open countryside to the west.
4. The appeal site is not visible from Station Road, due to the intervening built form. The access to it is provided from Station Road, within the built up part of the settlement, extending an existing driveway into the paddock area to the rear of Station Road. The significant majority of the appeal site is located within an area designated by the Blaby District Local Plan (Delivery) Development Plan Document Adopted February 2019 (DPD) as the Glenfield, Kirby Muxloe and Kirby Fields Green Wedge.
5. Policy CS16 of the Blaby District Local Plan (Core Strategy) Development Plan Document Adopted February 2013 (CS) states that Green Wedges are strategic areas that have been designated in order to prevent the merging of settlements, to guide development form, provide a green lung into the urban areas and provide a recreation resource.

6. Whilst Policy CS16 does not preclude all types of development from being located within areas designated as Green Wedge, residential development is not listed as a type of development that would be supported. The appellant has drawn my attention to the case of *Liverpool Open and Green Spaces Community Interest Company v Liverpool City Council and Redrow Homes Ltd*¹, which from the evidence before me confirms that a realistic assessment is required in considering the effect of development on Green Wedges and that whether the impact of a proposal is acceptable or not within the Green Wedge is a matter for the decision maker.
7. The proposed scale and siting of the dwelling means that the separation between settlements, the presence of green networks and public access to the Green Wedge would be maintained. However, whilst the proposal would only represent a small proportion of the wider Green Wedge area and would be limited to a single dwelling, residential development and the introduction of built form adjacent to the settlement edge, would affect the role and function of the Green Wedge in terms of the development form.
8. There are dwellings set further back from Station Road to the north east and south west of the appeal site, however, the proposal would result in built form spreading out beyond the well-established settlement boundary formed by the rear boundaries that serve the row of dwellings fronting onto Station Road to the east and south of the site. The open character of the appeal site and the unobstructed views to fields beyond mean that it visually relates more cohesively with open countryside, contributing positively to what is a prevailing rural feel to the edge of settlement location.
9. Whilst I note that the proposed dwelling is modest in scale and has some attractive design features, the presence of built form would disrupt and therefore be harmful to the open and undeveloped character of the Green Wedge and in addition would also be harmful to the character and appearance of the countryside at this settlement edge location. Due to the public views towards the site from the public footpath, the effect would be significant.
10. The appellant suggests that a landscaping scheme could be conditioned to provide screening to limit the visual impact of the proposal, however, this would not overcome the concerns set out above and would formally demarcate the incursion into the Green Wedge.
11. I also note that a garage is proposed as part of the scheme and it is stated that this would provide storage to limit the amount of domestic paraphernalia associated with the presence of a dwelling being visible. However, there would be no control over the use of the garage for the storage of such items and the restriction on the visibility of such structures and objects could not be reasonably controlled. Existing gardens to the rear of the properties that front onto Station Road are contained within established boundary treatments and therefore have a limited effect on the character and appearance of the appeal site.

¹ [2020] EWCA Civ 861

12. The appellant's statement of case intimates that the proposal would be a self/custom build plot. The Council has stated that the appellant is not identified on its self-build register and that no effective mechanism is provided to ensure the scheme would be a self-build development. I note that the appellant has stated that this could be controlled by way of a suitable condition. Even if the imposition of a condition was an appropriate way of ensuring that the proposal was a self-build development, I have found above that I do not consider the appeal site to be a suitable location, contrary to the requirements of Policy CS16. In addition, policy DM10 of the DPD confirms that proposals for self and custom building housing will be supported if they are in suitable locations. I am therefore unable to attach any significant weight to the benefit of providing a self-build dwelling in this case.
13. The proposal would therefore have a harmful effect on the character and appearance of the area and on the role and function of the Green Wedge. It is contrary to policies CS2 and CS16 of the CS, which seek, amongst other things, to ensure new development respects distinctive local character and retains the open and undeveloped character of the Green Wedge. The proposal would also be contrary to paragraph 130 of the National Planning Policy Framework (the Framework) which seeks amongst other things to ensure that developments are sympathetic to local character.
14. Whilst Policy DM2 of the DPD is referenced in the Council's reason for refusal, this policy applies where development would not be harmful to the function of Green Wedges. Given I have found harm in relation to policy CS16, policy DM2 is not relevant in this case.

Other Matters

15. I note that a previous application was refused by the Council and that additional supporting information has since been provided with the application subject to this appeal. However, be that as it may, I must deal with the proposal before me on its own merits.
16. The lack of objections from interested parties including statutory consultees and the lack of harm to the living conditions of the occupiers of neighbouring properties, highway safety, flood risk, drainage, ecology and landscaping does not weigh in favour of the proposal.
17. It has been brought to my attention that a new local plan is being progressed by the Council, but that it is in the early stages of the process. No emerging policies have been identified in the Council's reason for refusal. The site referred to by the appellant, submitted for consideration by the Council by other landowners, whilst within the Green Wedge, is some distance from the appeal site and relates to a broad assessment that may or may not lead to a review of the Green Wedges. I have considered the appeal on this basis.
18. I note that in the appellant's statement, reference is made to the earlier section of Policy CS16 which states that 'the need to retain Green Wedges will be balanced against the need to provide new development (including housing) in the most sustainable locations'. The text goes on to refer to a formal review of the existing Green Wedges and opportunities to create new ones, suggesting that this reference to 'including housing' refers to an assessment of whether Green Wedge boundaries need to be amended or removed, rather than allowing development within the designated Green Wedge.

19. The Council confirms in its statement that the detailed boundaries of the Green Wedges have been reviewed through the DPD and the appeal site has not been allocated for housing. In any case, any benefits arising from the provision of one dwelling would not outweigh the harm I have found above.
20. Reference is made to Green Belt policy in the appellant's statement, however the appeal site is not within an area of land designated as Green Belt and therefore this is not relevant to the assessment of the proposal.
21. I accept that the appeal site is in close proximity to the existing built up area and local services and facilities would be accessible to future occupiers and that the public footpath would not be affected by the proposal. I also note the benefit to the appellant as a result of the proposal, living on site in closer proximity to their animals and the support from interested parties. However, these matters do not outweigh or alter my conclusions on the main issue.

Conclusion

22. The proposal is contrary to the development plan as a whole and there are no other considerations, including the Framework, which outweigh the harm. The appeal is therefore dismissed.

G Dring

INSPECTOR