
Appeal Decision

Site visit made on 31 January 2023

by David M H Rose BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2023

Appeal Reference: APP/G2435/W/22/3303220

22 Donisthorpe Lane, Moira, Leicestershire, DE12 6AZ

- 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 Aldridge Property Preservations Ltd against the decision of North West Leicestershire District Council.
 - The application Reference 22/00334/OUT, dated 24 February 2022, was refused by notice dated 13 May 2022.
 - The development proposed is the erection of up to 2 no dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was made in outline with all matters reserved.

Main Issues

3. The main issues are firstly whether the proposed development would be well related to the pattern of settlement and its effect on the character and appearance of the area; and secondly the adequacy of the information related to the proposed non-mains drainage system.

Reasons

The first main issue

4. The appeal site is located outside the Limits to Development, which wrap around no. 22 and the small group of dwellings to the north, as set out in the Adopted North West Leicestershire Local Plan (2021). Two new dwellings adjacent to the land, and one yet to be built, fall outside the Limits to Development as do the Lakeside buildings which form a backdrop to the site.
5. Nonetheless, and despite the enclosing effects of boundary fences, the proposal would extend development beyond its established limits into open land. Although the effect on the character and appearance of the countryside would be modest, there would, nonetheless, be conflict with Policy S3 as market housing is not one of the categories of development supported by the policy. In turn, whilst Moira is identified as a Sustainable Village, the proposal would, as a consequence of its location outside the Limits to Development, conflict with Policy S2.

6. I have noted that the site is not an isolated plot of land; the development could be restricted to single storey dwellings; additional landscaping could be provided; and there are no issues in relation to the amenity of neighbouring dwellings or highway safety. The proposal would also make effective use of a vacant paddock and add up to two dwellings to the housing stock in a location reasonably accessible to services and facilities.
7. Nonetheless, as it is not disputed that the Council can demonstrate a five year housing land supply, I consider that the matters advanced by the appellant, including references to the National Planning Policy Framework, do not outweigh the conflict with the relevant development plan policies and the harm to the character and appearance of the area.

The second main issue

8. The appeal site lies within the catchment area of the River Mease Special Area of Conservation (SAC). It is acknowledged that discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river and additional connections could undermine the conservation objectives of the SAC. Similarly, a package treatment plant is ruled out due to the proximity of the nearest water body.
9. On this basis, a private treatment unit designed to deal with high phosphate and nitrate levels in the discharge is proposed¹. Although it is said that the integrity of the River Mease SAC, and the features of special scientific interest of the River Mease SSSI, would be preserved, the overall drainage arrangements lack detail.
10. In this regard, Natural England's published interim advice to Local Planning Authorities (January 2022) for development proposals within the River Mease catchment confirms that bespoke mitigation may be possible for non-mains drainage solutions. However, this would need to be designed, and its efficacy evidenced by the developer.
11. Without an overall scheme and relevant supporting verification, it is not possible to determine whether or not the proposed system would be suitable and effective for the site. It follows, that significant effects on the integrity of the SAC cannot be ruled out. The proposal would therefore be in conflict with Local Plan Policies En1 and En2.

Overall conclusion

12. My findings on the main issues, individually and in combination, are compelling reasons to dismiss the appeal and lead to the conclusion that the proposal would be in conflict with the development plan when read as a whole.

David MH Rose

Inspector

¹ The example proposed '..... uses chemical dosing alongside aeration to achieve 90% phosphorous removal and 75% nitrogen removal from wastewater'