



Appeal Decision

Site visit made on 27 June 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2023

Appeal Ref: APP/T2405/W/23/3314869

Hepburn, Seine Lane, Enderby, Leicestershire LE19 4PD

- 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 Dean Rainbow of Peastone Properties Limited against the decision of Blaby District Council.
 - The application Ref 22/0928/OUT, dated 6 September 2022, was refused by notice dated 21 December 2022.
 - The development proposed is the erection of eight dwellings with associated vehicular access, garaging, surface water balancing and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On submission of the appeal scheme the appellant provided an amended plan reference: Proposed Site Access Layout & Visibility Assessment – F22045/01 Rev B. This amended plan provides clarity that an appropriate visibility splay can be secured at the junction of Seine Lane, shows the potential road signage that could be installed and alters the 2m footway to terminate into a 0.5m verge at the entrance. This plan was available when the appeal was submitted and the Council had the opportunity to comment. It provides clarity rather than any significant changes to the proposed scheme. Accordingly, no one would be prejudiced were my decision to have had regard to this amended plan.
3. The planning application was submitted in outline form with all matters other than access and layout reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative, insofar as they relate to matters other than access and layout.

Main Issues

4. The main issues are:
 - whether the site is an appropriate location for the development proposed having regard to access to services by a range of means of transport,
 - the effect of the proposal on the character and appearance of the area,
 - whether adequate provision for waste collection can be provided; and,
 - the effect of the proposal on highway safety.

Reasons

Whether the site is an appropriate location

5. Policy CS1 of the Blaby District Local Plan (Core Strategy)¹ (CS) sets out the strategic objectives for the location of new development and seeks to focus new housing in the most suitable locations in the district, particularly in the Principle Urban Area of Leicester and towards sustainable towns and villages.
6. Policy CS5 sets out strategic objectives concerning the distribution of housing by settlement. There is no dispute that the minimum number of houses has been met in Enderby, however it is also clear that the figure is a minimum and not a maximum. However, the Council consider that the loss of countryside is not outweighed by the need for additional housing in the village as this minimum has been met.
7. There is no dispute that the appeal site is located outside the settlement boundary of Enderby and as such is designated as countryside. Policy CS18 relates to development within the countryside and seeks to protect the important areas of the district's natural environment, landscape and geology. It outlines that the need to retain countryside will be balanced against the need to provide new development (including housing) in the most sustainable locations.
8. Enderby is a large village with a good range of services and facilities which include a supermarket, school, pharmacy and a range of restaurants and pubs. It is therefore many day-to-day needs of future occupiers would be met by visiting Enderby. These services and facilities are located within the centre of the village which are located beyond the end of Seine Lane, which means that future occupiers would need to travel a fair distance to reach them.
9. The appeal site is located on Seine Lane with no footpath that links the site to the settlement. Instead, any access by foot or by cycling would be using Seine Lane which is unlit and has narrow verges which provide limited capacity to move out of the way of any vehicles. It would not appear to be a well-used route by pedestrians and as such vehicles are unlikely to expect to meet pedestrians. I note the findings of the appellants Highway Impact Assessment², specifically the number of vehicles using the lane, associated speeds as well as the potential for warning signage to be installed. However, I am not convinced that journeys other than by private car would be suitable.
10. I therefore find that due to the lack of access to Enderby without using a private car, distance and high frequency of visits that would be needed to access day-to-day services, that the site would not be a sustainable location for housing and therefore be contrary to the aims of Policy CS18.
11. The appellant has referred to an appeal decision³ that relates a dwelling on land adjacent to Strawberry Gardens. This particular development is close to the appeal site however its entrance is further along Seine Lane whereby crossing the road would enable access to a footpath. This site is therefore much better related to Enderby. This differs from the proposal whereby a section of the lane will need to be walked to gain access to the village.

¹ Blaby District Local Plan - Local Plan (Core Strategy) Development Plan Document Adopted February 2013

² Mr D. Rainbow Land at Enderby Metals Highway Impact Assessment May 2022

³ APP/T2405/W/20/3254968

12. I therefore conclude that the site would not be an appropriate location for the development proposed. It would be contrary to policies CS1, CS5 and CS18 of the CS which seek to direct development towards the most sustainable locations.

Character and appearance

13. The appeal site is located off Seine Lane which is a hedgerow lined road that approaches Enderby. Upon entering the lane from Forest Road there is a large garden centre complex on one side and open fields on the other. The garden centre complex is however not unusual in a rural setting, particularly due to the basic style of buildings such as glasshouses and corrugated buildings as well as the paddocks of animals immediately adjacent to the road. Seine Road is extensively covered with hedgerows and trees that continues towards Enderby, which combined with the open fields results in the area having a spacious, open and rural character and appearance.
14. The appeal site is a large, open parcel of land on the corner of Seine Lane just past the entrance to the garden centre. The site is made up of dense grass and vegetation and is bordered by mature hedgerows and trees. The appeal site contributes positively to the spacious, open and rural character and appearance of the area.
15. The Council's landscape and settlement character assessment⁴ outlines some of the key gateway features to the settlement of Enderby. In particular the view from the junction to the garden centre looking towards the appeal site is referenced which notes the open fields with the distinctive line of trees that follow the dis-used railway which borders Enderby. I agree that this is a key characteristic of the area, and the site is viewed in the context of the line of trees that border the railway.
16. The appellant has provided a landscape visual assessment however the key viewpoint referred by the Council's landscape and settlement character assessment is not included and therefore has not been commented on. In my view this is a key viewpoint within the area and provides a distinct separation between the rural character and appearance and built-up setting of Enderby and the proposal would erode this.
17. The proposed dwellings would occupy large plots and appear to have garages to the side of each dwelling. Four of the dwellings would face towards Seine Lane and due to the prominent position of the site, on the bend, these particular dwellings would stand out and erode the spacious, open and rural character and appearance of the area.
18. The appellant has suggested that new planting could soften the appearance of the dwellings. However, due to the prominence of the corner position of the appeal site I am not convinced that the site could be sufficiently screened.
19. I note that the proposed dwellings would be designed to accord with those on Strawberry Gardens, however these dwellings are set back from Seine Lane on a private road and are therefore not as readily visible on the street scene. The proposal is in a more prominent position adjacent to Seine Lane and the proposed dwellings would be clustered together which would appear cramped

⁴ Blaby Landscape and Settlement Character Assessment Final Report Prepared by LUC for Blaby District Council January 2020

rather than linear like those on Strawberry Gardens. In any case, design is a reserved matter.

20. I conclude that the proposal would harm the character and appearance of the area. It would be contrary to policies CS2 and CS18 of the CS and DM2 of the Blaby District Local Plan (Delivery)⁵ (DPD). Amongst other things these seek to ensure development respects distinctive local character and does not result in an adverse effect on the appearance or character of the landscape.

Highway safety

21. The layout of the site includes a new road from Seine Lane which would run alongside the proposed dwellings and terminate at the entrance to an agricultural field to the rear of the site. The road will only directly serve plot 5, with the other plots being accessed via private roads.
22. The proposed road is shown to be wide and include footways on either side of the road that terminate at the proposal's entrance. I note the Council raise concern over the proposed road being overengineered, however the appellants appear to be in a difficult position whereby they are trying to propose a road that is to an adoptable standard. While I note the Council's comments about the roads being overengineered, they have not identified the harm that this would cause or any guidance that it would be contrary to.
23. In any case, an amended plan was submitted with this appeal which has altered the footway at the site entrance to terminate into 0.5m verges at the site boundary.
24. I have already found that the appeal site is not well related to Enderby and access by foot and bicycle would be unattractive. It is therefore not likely that any future occupiers would seek to travel by any other means than by private car and as such there is no evidence that pedestrian safety would be at risk.
25. There is some dispute as to whether the required visibility splay can be achieved at the junction of Seine Lane. The concern from the Council largely relates to the accuracy of the data in relation to the recording of speeds between the weekend and weekdays. In this regard an increased visibility splay has been requested. In response to this the appellant has submitted an amended plan which illustrates that the required visibility splay can be achieved at the site access.
26. In this regard I have carefully considered the evidence before me as well as inspected the junction during my site visit and consider that the required visibility splays could be achieved.
27. A Road Safety Audit could have been required by condition if the appeal had been successful.
28. I conclude that the proposal would not compromise highway safety. I therefore find no conflict with policies CS10 of the LP and DM8 of the DPD. Amongst other things, these seek to ensure development promotes safe, sustainable and accessible transport modes.

⁵ Blaby District Local Plan - Local Plan (Delivery) Development Plan Document Adopted February 2019

Waste collection

29. The houses on plots 1-4 would have their frontages facing onto Seine Lane. The proposed site layout shows a collection point on Seine Lane a short distance from these houses, where occupiers could deposit their waste and recycling for collection.
30. However, the distance to carry waste to this collection point from the houses on plots 5-8 would be very considerable. It is very unlikely that even the fit and able would drag their rubbish and recycling such distances. There is no indication of a collection point closer to these houses. And, while the access road into the site would pass close to some of the houses on plots 5-8, the Council has indicated that because of its configuration, and because only one plot would be served directly off the access road, it would not meet their requirements for adoption. As a consequence, its refuse collection lorries would not drive along it.
31. The appellant has not suggested any alternative collection provision. In these circumstances, I cannot be sure that the development would make adequate provision for the collection of waste from the future occupiers of the whole development.
32. The proposal would therefore be contrary to policies CS2 and CS10 of the CS and DM1 of the DPD. Amongst other things, these seek to ensure that services required to meet the needs of the population of the district are provided and require high quality places through the application of good design principles including layout and street design.

Other Matters

33. The Council have concluded that the proposal would not harm the living conditions of occupiers of neighbouring properties. I have no reason to conclude against the Council however this is a neutral matter that does not outweigh the harm I have identified.
34. The proposal would have economic benefits through building out the development, social benefits through providing additional housing to the area and environmental benefits through the re-use of land and biodiversity enhancements. However, these benefits do not outweigh the harm I have identified.

Conclusion

35. For the reasons set out above, having had regard to the development plan read as a whole, and all other material considerations, I conclude that the appeal should be dismissed.

D Wilson

INSPECTOR