



Appeal Decision

Site visit made on 27 September 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 24th October 2023

Appeal Ref: APP/K2420/W/23/3321137

Winter Cottage Stanton Lane, Stanton Under Bardon LE67 9TT

- 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 Winter against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 22/00058/OUT, dated 18 January 2022, was refused by notice dated 27 January 2023.
 - The development proposed is a dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal has been made in outline with all matters reserved and I have determined the appeal on that basis.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - Whether the appeal site is an appropriate location for the proposed dwellinghouse having regard to the settlement strategy and local and national policies relating to development within rural areas.

Reasons

Character and appearance

4. The appeal site forms part of an existing residential plot located outside any settlement boundary. As recognised by the appellant it benefits from close proximity to the Billa Barra Hill Nature Reserve, located opposite, and the verdant undulating countryside landscape. Although there is an existing residential dwelling to the north and the appeal site itself currently comprises a two-storey dwelling and a single storey annex which has planning permission to be converted to a dwelling, the appeal is surrounded on two sides by open fields and on the opposite side of the road by the nature reserve.
5. There is an existing garage on the southerly part of the appeal site with the existing cottage and the annex building located on the northern part of the site with a significant parking area/drive and a garden area. As a result, the majority of the site is open. This arrangement, combined with the surrounding

fields and nature reserve creates a sense of spaciousness that makes a significant contribution to the character and appearance of the area.

6. I acknowledge that the submitted plans are indicative and that layout is a reserved matter. However, I consider that the introduction of a further dwelling, wherever positioned on the plot would result in a cramped development that would represent an overdevelopment of the appeal site. Consequently, the proposal would harmfully diminish the existing spaciousness that makes a significant contribution to the character and appearance of the area. It follows that the proposal would not complement or enhance the character of the surrounding area.
7. I therefore conclude that the proposal would unacceptably harm the character and appearance of the area in conflict with Policies DM4 and DM10 of the Local Plan 2006-2026 - Site Allocations and Development Management Policies DPD adopted in July 2016 (SA & DMP DPD) and Policy M1 of the Markfield Parish Neighbourhood Plan 2020-2039, which among other things seek to ensure proposals complement or enhance the character of the surrounding area and safeguard the countryside and settlement separation by protecting the open character of the countryside. The proposal would also be at odds with the National Planning Policy Framework (the Framework) which seeks to ensure development is sympathetic to local character.
8. In their reasons for rejection, the Council have cited Policy DM1 of the SA & DMP DPD which sets out the presumption in favour of sustainable development, including situations where relevant policies are out of date at the time of making the decision. It is more appropriate to consider this policy in the context of the overall planning balance section below.

Location

9. The appeal site is outside the settlement boundary and consequently the appeal site is within the open countryside. In such locations, Policy DM4 of the SA & DMP DPD advises that the countryside will be safeguarded from unsustainable development, further highlighting that certain types of development are considered sustainable. However, none of these apply to the appeal proposal.
10. I accept that the proposed dwelling would just about be within an acceptable walking distance of the local primary school and other facilities, including convenience shopping in the nearest settlement. However, there are not extensive facilities within this village. Further, although there is a bus stop within walking distance of the appeal site, based on the available evidence the service is limited.
11. Taking these factors together, I consider that it is more likely than not that future occupiers of the proposed dwellings would be reliant on the private car. The proposed development would therefore not be located where the need to travel would be minimised.
12. Moreover, although there is some development along Stanton Lane, including the neighbouring residential dwelling, the appeal site and the neighbouring house are located some distance away from other developments in all directions with intervening fields. As such I consider that contrary to paragraph 80 of the Framework the proposal would be located within an isolated location in the countryside.

13. As outlined above, facilities within the local village are just about within walking distance. However, the proposal would make only a very modest contribution to enhance or maintain the vitality of the rural community and this would be clearly outweighed by the fact that the proposal would not be located where the need to travel would be minimised and would be located in an isolated location in the countryside.
14. I therefore conclude that the proposed dwellinghouse would not be located in an appropriate location having regard to the settlement strategy and would not accord with local and national policies relating to development within rural areas. It would therefore conflict with Policy DM17 of the SA & DMP DPD, which seeks to ensure development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. The proposal would also be at odds with the Framework as the proposal would be located within an isolated location in the countryside.

Other Matters

15. The appellant points out that permitted development rights are available that would allow development of 50% of the curtilage with single storey structures for incidental purposes, such as buildings housing a swimming pool, gym, garage and other uses. However, no information or detailed proposals have been provided about any intention to construct any such buildings. As a result, I am unable to find that there is a greater than theoretical possibility that the appellant would use their permitted development rights in this way. Consequently, I give these possibilities limited weight in the determination of the appeal.
16. Similarly, I note that additional footpaths and the spread of domestic paraphernalia could occur because of the current use of the site. However, such uses would have significantly less impact on the character and appearance of the area than the proposal before me and do not carry positive weight in favour of the proposed development.
17. The appellant has drawn my attention to a number of previous decisions. However, the circumstances and the relationship of these other proposals with other properties and their surroundings are materially different from the situation here. Therefore, these other decisions do not alter my view on the main issues as set out above and do not justify harmful development at the appeal site.
18. The appellant has also highlighted that the Council granted planning permission for the annex on the appeal site and have referred to case law in support of their view that there should be consistency in decision making. I completely agree that like cases should be determined in a like manner.
19. However, the appeal proposal before me is materially different from the annex development which involved the conversion of an existing ancillary dwelling. The Framework indicates that decisions should avoid the development of isolated homes in the countryside unless, among other things, the development would re-use redundant or disused building or would involve the subdivision of an existing residential building. Given that the proposal before me involves a new dwellinghouse and I have found that it conflicts with both the development plan and the Framework, the circumstances are materially different. I am required to determine this appeal on its own merits. The fact that the Council

has granted planning permission for a materially different scheme does not justify harmful development at the appeal site.

Planning Balance

20. The Council confirm that they are unable to demonstrate a 5 year supply of deliverable housing sites which triggers paragraph 11d) of the Framework.
21. The provision of an additional dwelling would have modest social and economic benefits stimulating work and trade during construction and as outlined above future occupants would make a very modest contribution to enhance or maintain the vitality of the rural community. The proposal would also make a very small contribution towards the Council's housing land supply.
22. Overall, the contribution from one extra household would be modest and consequently these associated benefits carry limited weight in favour of the development. As a result, the harm due to the adverse impact of the development on the character and appearance of the area and as the proposed dwellinghouse would not be located in an appropriate location having regard to the settlement strategy and would not accord with local and national policies relating to development within rural areas, would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
23. Given that finding, it follows that the proposal would also not accord with Policy DM1 of the SA & DMP DPD which among other things says that where relevant planning policies are out of date planning permission will be granted unless material considerations indicate otherwise taking account of whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

24. For the reasons given above, I conclude that the appeal should be dismissed.

S Rawle

INSPECTOR