



Appeal Decision

Site visit made on 16 January 2024

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2024

Appeal Ref: APP/F2415/W/23/3327492

Plot 31 - Mill Field Close, South Kilworth, Leicestershire LE17 6DT

- 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 Sandy Developments Ltd against the decision of Harborough District Council.
 - The application Ref 22/01889/FUL, dated 1 November 2022, was refused by notice dated 14 April 2023.
 - The development proposed is a single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) has been published since the appeal was submitted. My decision is made in the context of the revised Framework. I am satisfied that no interested party has been prejudiced by my approach.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

4. The appeal site is formed of grassed open space located within a modern housing development. The open space is well maintained and is read as part of the soft landscaping that extends throughout the development. The layout and spacing between houses results in a spacious and porous development on the edge of the village with views of open countryside beyond. The green spaces and notable gaps between buildings contribute to the openness of the area.
5. Whilst the site is not designated as open green space or subject to any development plan designations, it has important value through its contribution to the spatial characteristics and distinctiveness of the local area.
6. The proposal would result in an uncharacteristic concentration of built form eroding the spatial qualities of the development. The loss of an attractive open space would be harmful to local character and appearance.
7. I acknowledge that the dwelling would be sympathetic in terms of its appearance and form to dwellings locally and would comply with separation

distances and amenity standards. However, this would be at the expense of an area of soft open landscaping that positively contributes to the area.

8. Consequently, the proposal would be contrary to Policy GD8 of the Harborough District Local Plan (2019) and Policies H5 and H7 of the South Kilworth Neighbourhood Plan (2019) which, amongst other things, require development to respect the context and characteristics of the individual site, street scene and the wider local environment to ensure that it is integrated into the existing built form; to respect local character and make a positive contribution to its surroundings.
9. It would also be contrary to paragraphs 139 and 140 of the Framework which, amongst other things, state that development that is not well designed should be refused and that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

Other Matters

10. Concern has been expressed, by the Council, regarding the erection of close board fencing along the boundary with the existing footpath that extends between North Road and Mill Field Close. Whilst it would create a firm edge to the development the fencing would appear as an extension of the close board fencing that already exists along the footpath. The neighbouring farm track would ensure that a relatively open aspect along the footpath would be maintained. For these reasons, I find that the position and height of the proposed fencing would not be unduly incongruous or oppressive.
11. I have considered the swept path diagram provided and find that vehicles would be able to enter and exit the driveway without hinderance or overrunning onto the green area causing its erosion. I therefore give this limited weight in coming to my decision.
12. I note that representations were made by local residents raising additional concerns. However, given my findings in respect of the main issue, it is not necessary to consider these matters in detail.

Planning Balance

13. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
14. The provision of a dwelling would make a small contribution towards the areas housing supply. The development would provide jobs, but this would largely be limited to the construction phase. The site is located within the defined settlement boundary of South Kilworth within a short distance of a range of day-to-day services. Future occupants would be able to reach these on foot, providing them with transport choice and not an over-reliance on a car. The proposal would help maintain services and facilities in the local area. These are all factors weighing in the scheme's favour.
15. Whilst the proposed development would not unduly affect the natural environment and heritage assets or the living conditions of nearby occupiers, these are matters of neutral consequence in the overall balance.

16. On the other hand, I have found that the proposal would be harmful to the character and appearance of the area. The Framework makes it clear that good design is a key aspect of sustainable development. It also expects development to add to the quality of the area and be visually attractive as a result of good architecture and layout. Even taking into account the objective to significantly boost the supply of housing including windfall development, the conflict between the proposal and the most important policies in the development plan should be given very significant weight in this appeal. Therefore, the adverse effects of the proposal would significantly and demonstrably outweigh its benefits.

Conclusion

17. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR