



Appeal Decision

Site visit made on 29 January 2024

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2024

Appeal Ref: APP/G2435/W/23/3330838

**The Cottage 92 Low Woods Lane, Belton, Loughborough, Leicestershire
LE12 9TR**

- 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 Michael Jacques against the decision of North West Leicestershire District Council.
 - The application Ref 23/00582/FUL, dated 11 May 2023, was refused by notice dated 23 June 2023.
 - The development proposed is conversion and extension of a workshop building to a single self-build dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be a suitable location for residential development having regard to the spatial strategy of the development plan.
 - The self-build and custom housebuilding duty.

Reasons

Location

3. Policy S2 of the North West Leicestershire Local Plan (Local Plan) sets out the Council's settlement hierarchy. More growth is directed to settlements higher in the settlement hierarchy than those lower down. The appeal site is located some 1.2km from the nearest settlement of Belton, a settlement identified as a Sustainable Village. As such it is a settlement with a limited range of services and facilities where a limited amount of growth will take place within the defined Limits to Development.
4. In Policy S3 of the Local Plan land outside the Limits to Development is defined as Countryside. A number of specified uses are supported in the countryside, subject to certain criteria. One such use is the re-use and adaptation of buildings for appropriate purposes including housing, in accordance with Policy S2.
5. To comply with Policy S2 and S3 any re-use and adaptation of buildings should amongst other things be well related to the settlement it is located outside of

and be well integrated with existing development and buildings. I do not consider this to conflict with the National Planning Policy Framework (NPPF) which seeks to actively manage patterns of growth.

6. The appeal site is in an area that is open and rural in character. It is physically and visually separated from the nearest settlement of Belton. The extent of the separation means that it does not form part of the settlement and the development would not relate well or integrate with existing dwellings within Belton.
7. The site is located via a narrow, unlit road with no footway to take pedestrians into the settlement. The site is not easily accessible by sustainable means. The provision of an electric vehicle charging point would not overcome this given that its use cannot be guaranteed. Similarly, the proximity of the site to the Sustrans network does not make the development sustainable. I do not think the cycling times and distances quoted by the appellant to different locations would be attractive to the occupants of the dwelling on a regular basis, particularly in poor light or poor weather.
8. The appellant has identified that the Council is looking to change its policy in the new emerging Local Plan. This does not mean that the existing adopted policy should be considered out of date. National policy seeks to focus development in locations which are or can be made sustainable by limiting the need to travel and offering a genuine choice of sustainable transport modes.
9. In rural areas, to promote sustainable development, housing should be located where it will enhance or maintain the vitality of rural communities. Isolated homes in the countryside should be avoided unless they meet identified circumstances. This includes where the redevelopment would re-use redundant or disused buildings and enhance its immediate setting. Whilst the scheme would re-use a building there is little before me to indicate that it would enhance its immediate setting. I do not consider that this criterion or any of the others listed in paragraph 84 of the NPPF would be met.
10. The NPPF should be read as a whole and seeks to direct development to locations which are or can be made sustainable, where services are accessible and where the natural environment is protected. I therefore conclude that the proposed site is an inappropriate location in the countryside. As such the scheme would conflict with the parts of Policy S2 and S3 of the Plan, as identified.

Self-build and Custom Housebuilding Duty

11. The Self-build and Custom Housebuilding Act (2015) (as amended) places a statutory duty on Councils to keep a register of persons who are interested in acquiring a self-build or custom-build plot and to grant enough suitable development permissions for serviced plots to meet this demand.
12. The Council does not dispute that there is a shortfall in supply and that in this way it is failing to meet its statutory duty. The current absence of a self build policy in the adopted Local Plan may have contributed to this. Nevertheless, the proposal would only add one additional dwelling to the supply of self build accommodation. As such it would make a small contribution in addressing the current shortfall in provision. The contribution it would make to the supply and wider benefits generated would be limited. I give these benefits moderate

weight as a consequence, even if it's delivery could be secured through a planning condition, as promoted by the appellant.

13. The NPPF does not include locational requirements for the provision of self build properties. However, this does not mean that self-build development should automatically be exempt from policies designed to direct development to the most sustainable locations. The adverse impacts of the proposal would be significantly and demonstrably outweigh the benefits of the development.

Other Matters

14. The appellant has made reference to historical uses of the site as the fallback position. However, I note that the certificate of lawfulness as a workshop was refused by the Council. Even if there was reinstatement of any historic use of the site there is little before me to substantiate the claim that it would generate the same level of vehicular movements or more to and from the site as the development proposed. I therefore give this little weight.
15. Reference has also been made to other planning applications that have been granted planning permission by the Council in support of the appeal. Whilst I note some similarities with regards access to services and facilities identified by the appellant, the referenced decisions are in different locations and relate to different types of buildings. There is little detail before me of the full material considerations of each case but on the information I do have none of the cases are directly comparable to the one before me. This limits the weight I attach to them. In any event, each case is determined on its own merits and that is what I have done.

Conclusion

16. For the reasons identified, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR