



Appeal Decision

Site visit made on 4 June 2024

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2024

Appeal Ref: APP/Y2430/W/23/3334487

Land Opposite 52 Main Street, Kirby Bellars, Leicestershire, LE14 2EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by The Matthews Trust against the decision of Melton Borough Council.
 - The application Ref is 22/01264/FUL.
 - The development proposed is delivery of a single 3-bed bungalow with associated access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form uses the following address 'Land on west side of Main Street, Leicestershire, LE14 2EA' which fails to be precise and include the village name. Therefore, I have accepted and changed the address to the address contained within the decision notice: 'Land Opposite 52 Main Street, Kirby Bellars'.

Main Issue

3. The main issue is whether the appeal site would be a suitable location for the proposed development, having regard to local and national policy.

Reasons

4. The appeal site is currently agricultural grassland adjacent to an existing residential development located in Kirby Bellars, a rural village. The site is intersected by a public right of way.
5. Policy SS2 of the Melton Borough Local Plan 2011-2036 (MBLP) outlines how and where growth will be managed within the district and the established settlement boundaries. The parties agree that the location of the appeal site is within a 'Rural Settlement'. Under policy SS2 within Rural Settlements 'windfall' sites will be delivered which meet housing need and enhance the sustainability of the settlement in accordance with Policy SS3 of the MBLP.
6. MBLP Policy SS3 establishes support for windfall development in rural settlements subject to certain criteria. Policy SS3 in conjunction with SS2 requires a demonstrable local housing need. The appellant has provided an up-to-date housing need survey 2023 (HNS) in which a need for affordable housing 2 and 3 bedroom properties has been identified in Kirby Bellars. However, the appellant in the original application form indicated that the

development would be for open market housing. The appellant has in their statement of case stated that the development would be part of a 'first home' or 'discounted marketing scheme' and consequently constitutes a type of affordable housing. There is no evidence or detail before me, such as a legal undertaking, that would ensure the development would be either of these. Consequently, based on the evidence before me, it is not clear that the development would be delivered as an affordable property. Therefore, I am not satisfied that the development would meet the housing need identified in the HNS 2023.

7. Access to sustainable infrastructure or the provision of new infrastructure to the wider settlement is a criterion set out in Policy SS3 for development in rural settlements. Kirby Bellars has limited local services which is acknowledged by both parties. The future occupants of the development would be reliant upon a car to access nearby services in larger settlements. I acknowledge that a rural location is not automatically an unsuitable location for a dwelling and it can help support existing local services. However, the contribution of a single dwelling would not have a significant affect in its positive contribution to the local services. The development would provide limited contribution to local infrastructure and consequently limited benefit to Kirby Bellars.
8. The appellant has drawn my attention to a development of three bungalows that has taken place in close proximity to the appeal site (application reference: 19/000256/FUL). This development is for multiple dwellings and was assessed on a previous 2019 HNS and I do not have the full details of that scheme before me. Thus, it is not directly comparable to the appeal scheme and it attracts limited weight in support of this appeal.
9. In conclusion, the appeal site has not been demonstrated to be a suitable location for the proposed development, having regard to local and national policy. Therefore, it is contrary to policies SS1, SS2 and SS3 of the Melton Borough Local Plan 2011-2036 which seek to ensure that developments are in accordance with its spatial strategy as well as providing the right mix and tenure of housing for identified local housing need in suitable locations.

Other Matters

10. The appellant has drawn my attention to the conduct of the Council during the application process. This is a matter between the parties and not determinative to the outcome of the appeal.

Conclusion

11. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

B Astley-Serougi

INSPECTOR