



Appeal Decision

Site visit made on 11 June 2024

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 July 2024

Appeal Ref: APP/G2435/W/24/3336951

67 Loughborough Road, Coleorton, Leicestershire LE67 8HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Specht against the decision of North West Leicestershire District Council.
 - The application Ref is 23/01048/OUT.
 - The development proposed is described as the 'erection of three self build units on land off Loughborough Road, Peggs Green, Coleorton, Leicestershire.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application has been submitted in outline with all matters to be reserved, except for access. I have dealt with the appeal on this basis and treated the submitted plans as illustrative insofar as they refer to the reserved matters.

Main Issues

3. The main issues are:
 - whether the location of the development would be appropriate for housing having regard to the spatial strategy of the development plan, and;
 - the effect of the proposal on the character and appearance of the landscape.

Reasons

Spatial strategy

4. The development plan for the area includes the North West Leicestershire Local Plan (2021) (LP) and the Swannington Neighbourhood Plan (2023) (NP). Policy S2 of the LP sets out the settlement hierarchy for the district, with growth being directed to settlements higher up the hierarchy than those lower down.
5. The site is defined as being within the village of Peggs Green. This is identified as a 'small village,' towards the bottom of the settlement hierarchy, with very limited services and where development is restricted to conversions of existing buildings, redevelopment of previously developed land or affordable housing in accordance with Policy H5 of the LP. As the appeal site is undeveloped and the proposal is not for affordable housing, the proposal would be contrary to Policy S2 of the LP.

6. The site is located on land that falls outside the defined limits to development, such land is designated as countryside within the LP. In the countryside, development is strictly controlled by Policy S3 of the LP, bar a number of exceptions. As the proposal does not fall within these exceptions, the scheme would be contrary to Policy S3 of the LP.
7. Additionally, Policy H2 of the NP states that land outside the settlement boundary will be treated as open countryside, where development will be carefully controlled, or supported as appropriate, in line with local and national strategic planning policies. The aim being to ensure development is focussed in areas where it is most needed and least intrusive.
8. The scheme would provide 3 self-build dwellings. The Self-build and Custom Housebuilding Act 2015 (as amended) ('the Act') places a statutory duty on the Council to keep a register of persons who are interested in acquiring a self-build or custom-build plot, and to also grant enough suitable development permissions for serviced plots to meet this demand. The appellant contends that because the Act is a strategic national housing policy, the proposal would comply with Policy H2. However, the policy states local 'and' national policies. Given that the site falls outside of the settlement boundary identified in the NP, it would fall into conflict with Policy H2 of the NP.
9. For the reasons above, I conclude on this issue that the location of the development would not be appropriate for housing as it would undermine the spatial strategy of the development plan. In this regard it would conflict with Policy S2 and S3 of the LP and Policy H2 of the NP.

Character and appearance

10. On the northern side of Loughborough Road, opposite the appeal site, there is a band of ribbon development which coalesces with further built form to the west. This is in sharp contrast with the southern side of the road where the appeal site is located. The appeal site is an area of grassland which is currently in an overgrown condition. Gradually sloping away from the road, it is bound by mature hedging and vegetation.
11. Although the appeal site is located between dwellings either side, the existing built form on this side of the road is sporadic, surrounded by open fields, a significant feature of the surrounding rural landscape. The existing undeveloped nature of the appeal site positively contributes to character of this rural landscape.
12. While outline with all matters reserved except for access, the introduction of new residential development in this location would inevitably erode a largely open and undeveloped area of land, in a countryside location, and would appear at odds with the prevailing pattern of the surrounding sporadic development. This would be harmful to the landscape character and appearance. For this reason, I conclude that the proposal would not accord with part (i) of Policy S3 as I am not persuaded that the landscape would be safeguarded or enhanced.

Other Matters

13. I have had regard to the desirability of preserving the setting of the Grade II listed building, the Church of St George as required under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Given the

physical separation between the appeal site and the designated heritage asset, which includes fields, trees, hedgerows and a road, I am satisfied that the setting of the listed Church and thereby its significance, would be preserved.

14. In support of the appeal, the appellant has drawn my attention to two other self-build schemes that have recently been granted permission by the Council¹. However, whilst noting some similarities with this appeal, in both cases there was no neighbourhood plan policy conflict. Therefore, the circumstances are not the same. Notwithstanding this, each appeal is determined on its own planning merits.
15. The original application was recommended for approval by the planning officer. This recommendation was overturned by Council Members, with the weight afforded to the shortfall in self-build plots changing from significant to moderate in light of two recent dismissed appeal decisions² and a refused outline application,³ that is pending an appeal decision. I note that the outline application shares similarities to this scheme based on the reasons for refusal, and that Policy H2 of the NP is engaged. However, I do not have the full information before me that was before the inspectors on the two appeals and I also have limited information on the outline application. Thus, I cannot comment on the weight that was applied. Even so, any balancing exercise is firmly a matter of planning judgement for the decision-maker, based upon the cumulation of issues and site specific circumstances in any one given case. These other decisions have therefore had little influence on my own reasoning.

Planning Balance and Conclusion

16. The planning system should be genuinely plan-led, and proposals must be determined in accordance with the development plan, unless material considerations indicate otherwise. The scheme's conflict with the spatial strategy and harm to the character and appearance of the area draws it into conflict with the development plan read as a whole.
17. The development plan does not have any policies on self-build. Paragraph 11 d) of the Framework advises that where there are no relevant development plan policies, permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. Moreover, the Council also accepts that during the current base period of 31 October 2023 to 30 October 2024, as of 15 May 2024 there is a shortfall of 31 self-build plots. This represents a significant unmet need.
18. However, the appeal site is covered by the recently made NP. Paragraph 14 of the Framework goes on to say that in situations where the presumption at paragraph 11 d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply: a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and b) the neighbourhood plan contains policies and allocations to meet

¹ Ref: 22/01547/FUL and 23/00776/OUT

² Ref: APP/G2435/W/23/3330838 and APP/G2435/W/23/3324297

³ Ref: 23/00740/OUT

its identified housing requirement. As the NP accords with both sub-clauses, paragraph 14 is engaged.

19. The scheme would make a clear contribution to addressing the shortfall in self-build plots. The appeal site is close to Peggs Green, which only has limited facilities. However, the site is near a bus stop which provides frequent bus services to larger surrounding centres which have a greater variety of services and facilities to meet day-to-day needs. Thus, future occupants would not be wholly reliant on the use of a private car. There would also be some economic benefits, both short term in relation to the construction of the dwellings and longer term with future residents spending, contributing to the local economy. There would also be environmental benefits with biodiversity net gains of over 10%. This weighs in favour of the proposal. As the scheme is only for 3 dwellings, such benefits would be limited, and cumulatively, they attract no more than moderate weight.
20. There were no objections from the Parish Council and the proposal could potentially be designed so as to avoid harm to the living conditions of neighbouring occupiers. Furthermore, the highway authority is satisfied that the proposal would not lead to highway safety concerns. However, an absence of harm is a neutral consideration in this planning balance.
21. On the other hand, I am mindful that government policy sets out how Neighbourhood plans can shape, direct and help to deliver development. In this case, the local community has recently made the NP in order to develop a shared vision for their area, proactively allocating land for housing growth. Given the conflict with the spatial strategy of which the NP now forms part, and given the harm that would arise to the character and appearance of the area, the adverse impact of allowing this development would significantly and demonstrably outweigh the benefits of the proposal.
22. Drawing my assessment together, and taking account of all other matters raised, I conclude that the other considerations before me do not indicate that I should make a decision other than in accordance with the development plan. The appeal is therefore dismissed.

T Bennett

INSPECTOR