

Appeal Decision

Site visit made on 16 August 2024

by S Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Appeal Ref: APP/K2420/W/24/3343898

**The Water Tower, Roe House Lane, Norton Juxta, Twycross,
Leicestershire, DE12 7AP.**

- 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 M. Patel against the decision of Hinkley and Bosworth Borough Council.
 - The application reference is 23/01176/FUL
 - The development proposed is the residential conversion of an existing water tower and associated external works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 30 July 2024 the Government began consultations upon reforms to the National Planning Policy Framework (the Framework) and which will close on 24 September 2024. The reforms are draft and may be subject to change and therefore I afford the draft changes only limited weight in the decision-making process. As there are no proposed reforms which are pertinent to the main issues in this appeal, it has not been necessary for me to consult the main parties upon it.

Main Issues

3. The main issues are (i) the effect of the development upon the character and appearance of the area and (ii) whether the proposed dwellinghouse would be in a sustainable location.

Reasons

Character and appearance

4. The appeal proposal concerns a redundant water tower, approximately 17 metres high, located on a ridge and in the middle of a small copse of mature, tall trees, and adjoining farm buildings.
5. The countryside is characterised by its generally open appearance with a scattering of both groups of trees and individual field trees, with hedging to the

field boundaries. The area has a series of small villages and hamlets, and individual properties are thinly scattered. The area has a quiet, rural character and where urban development in the form of dwellings and streetlights is very limited. Consequently, the area is experienced as having a dark environment during the night time. The above features add positively and distinctively to the character and appearance of the area and the existing water tower, by its height and bulk is a somewhat alien feature within this rural landscape.

6. The proposal includes the insertion of long, tall, uniformly spaced windows around each of the four storeys. Furthermore, the building would be faced in black brick, and windows and reveals would also be in black. Consequently, the proposed scheme constitutes a very regimented urban design solution which would be even more incongruous than the appearance of the existing water tower which, despite its height and bulk, nevertheless has the simplicity of an unbroken form which is less jarring in the rural landscape than what is proposed.
7. On my site visit, I was able to note that there is dense woodland very close to it which prevents it being visible from main public vantage points, despite it being located on a ridge. However, I consider that it is likely to be necessary to remove trees which abut the building, and this is likely to mean that it would become more visible, especially at night with lights on, and during the winter months when there would be no leaves on many of the trees.
8. Even if the property could not be seen from a distance, it would be likely to be visible more closely to hand, such as from Roe House Lane to the detriment of the non-urban qualities of the area as described above. While a landscaping condition might mitigate, to some extent, any such adverse effects, overall, the development, by its more obvious appearance of human activity including its lighting, would introduce an urban encroachment into the rural area, irrespective of the fact that the building already exists.
9. While I accept that the current building exists, I nonetheless consider that the proposed design changes and additions to its appearance, as outlined above, would result in an incongruous and overly urbanised form of development when experienced in the landscape. In addition, the proposed development to create a 6-bedroom property would be likely to result in the introduction of more vehicles and associated general domestic paraphernalia into the rural area. This would cause harm to the otherwise open and rural setting around the water tower.
10. I accept that these additions would be mitigated to some degree by the surrounding trees and vegetation and could be further limited by means of the imposition of a landscaping condition. Nevertheless, new planting may not endure forever. These are not therefore matters that would sufficiently overcome my concerns relating to the greater adverse impact of the proposal, when taken as a whole, upon the character and appearance of the area.
11. The appellant has referred to several other water towers which have been converted to residential uses. However, these are of different designs to the appeal proposal, and, in any event, I have determined the appeal proposal upon its individual planning merits.
12. Therefore, I conclude that the proposed development would fail to enhance the character and appearance of the countryside and hence constitutes poor

design. It would not accord with policy DM10 of the Site Allocations and Development Management Policies Development Planning Document 2019 (SADMP) which, while supportive of development, is only so where development, by its design, will complement or enhance the character of the surrounding area. It would not accord with policy DM4 of the SADMP which aims to protect the countryside from unsuitable development. Neither would it comply with policy DM15 of the same document which, while being supportive of the re-use of redundant buildings, is only supportive when such re-use will enhance their settings. Policy DM1 of the SADMP, and as quoted by the LPA in its reason for refusal, is not pertinent to the issue of character and appearance as it is concerned with the weight to be given to policies which might be outdated.

Sustainability

13. Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where the proposal involves the change of use, re-use or extension of existing buildings, but only where this does not have a significantly adverse effect upon the intrinsic value, beauty and open character and landscape character of the countryside. Similarly, paragraph 82 of the Framework aims to avoid the development of isolated homes in the countryside unless, amongst other things, the development would re-use redundant or disused buildings, though it requires them also to enhance their immediate settings. I have already concluded on the impact of the proposed development in this regard.
14. Policy DM15 of the SADMP is supportive of proposed development outside of a settlement boundary for the re-use and/or adaptation of redundant or disused rural buildings where a building is no longer viable in its current use. However, it is necessary for an applicant to demonstrate that the building is in a structurally sound condition and is capable of conversion without significant rebuild or alteration.
15. While there is agreement that the building is no longer viable in its current use, its proposed conversion and re-use includes the construction of an internal steel frame to insert floors and to allow for window openings, and the building would also have new cladding added. I consider that such work, even though much is internal, does not meet the caveat regarding significant rebuilding in order to enable the conversion.
16. The LPA considers that the proposed development would result in a dwelling located in an unsustainable countryside location where future occupiers would be likely to rely on car journeys to meet day-to-day living requirements and states that '*the proposed occupiers would be largely reliant on car based travel for their daily needs*' with the nearest bus stop inconveniently some 20 minutes' walk away. I have considered paragraph 109 of the Framework which states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. I also acknowledge that the site could be made more sustainable by the use of conditions relating to the addition of an electricity charging point(s) and the provision for bicycles. However, these matters would not overcome the difficulties for pedestrians and cyclists on roads which, in part, are by-ways and with no pavements or street lighting.

17. Therefore, I conclude that the proposed development would not be sustainably located. It would not conform with policy DM17 of the SADMP which is supportive of development but where the need to travel would be minimised and the use of sustainable transport modes can be maximised.

Other Considerations

18. I acknowledge that the existing building is vacant and that its conversion to a dwelling would provide a new use for it, though it is possible that other uses might be found, and which might be appropriate in planning policy terms.
19. I have also noted that it is alleged that the building gives rise to a certain amount of anti-social behaviour which a new use for the building would avoid. In addition, the site is previously developed land which favours its re-use, and the proposal would amount to an efficient use of the land. The re-use of the site for a dwelling would also mean that its occupants would help, in a small way, to sustain local services and its redevelopment would provide some employment, albeit for a short period of time.
20. Moreover, the LPA concedes that it cannot demonstrate a deliverable five -year supply of housing sites. In 2022, which the LPA states is the most up to date position, it considers that it had a 4.89 year supply and, therefore, that it concedes that paragraph 11d of the Framework is engaged.
21. In the context of the above, the proposal would result in the delivery of one dwellinghouse. This would boost the housing undersupply position, although the contribution from one dwellinghouse would not be significant. There would be some construction employment benefits, although this would be short lived. Occupation of the building for residential purposes would result in support being given to existing local amenities and services and, in this regard, there would be some limited economic benefits arising from the proposal. Moreover, there would likely be some benefits in biodiversity terms.

Planning Balance and Conclusion

22. The proposal would cause very significant harm to the character and appearance of the area and would constitute poor design. Moreover, the development would result in the provision of an isolated home in the countryside. In these respects, there would be conflict with policies in the Framework and the development plan. In its favour, the proposed development would re-use a vacant building on previously developed land, and in so doing would create some employment, albeit for a short while, and future occupants would help to sustain local services and facilities. It would help, in a small way to meet housing supply.
23. On balance, I conclude that the adverse impacts of the proposal, including conflict with identified development plan policies, would not be significantly and demonstrably outweighed by the identified benefits when assessed against the policies in the Framework taken as whole. Therefore, the appeal should be dismissed.

S Hartley

INSPECTOR