



Appeal Decision

Site visit made on 8 October 2024

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2024

Appeal Ref: APP/X2410/W/23/3336070

Land Between 2 and 4 Sandham Bridge Road, Cropston LE7 7GS

- 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 Mr J Green (JW Green Builders Ltd) against the decision of Charnwood Borough Council.
- The application Ref is P/22/2088/2.
- The development proposed is erection of bungalow with associated works.

Decision

1. The appeal is allowed, and planning permission is granted for erection of bungalow with associated works at Land Between 2 and 4 Sandham Bridge Road, Cropston LE7 7GS in accordance with the terms of the application, Ref P/22/2088/2, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following drawings and plans: Site Location Plan, Proposed Floorplans, Elevations, and Materials - Drawing No. 22-117.3 Rev C; Street Scene - Drawing No. 22-117.4 Rev C; Proposed Site Plan - Drawing No. 22.117.2 Rev C.

Preliminary Matters

2. On 30 July 2024, the Government published a consultation draft of proposed reforms to the National Planning Policy Framework (the Framework). The main parties were offered the opportunity to submit additional observations on the relevance of the proposed changes in the context of the appeal. The comments received have been considered in this decision letter where relevant.
3. The decision notice included two reasons for refusal of the application, the first of which forms the main issue for this appeal. The second related to the absence of off-site mitigation for impacts upon biodiversity. A signed Unilateral Undertaking was submitted with the appeal which includes an obligation for payment of £3,129 to compensate for the loss of on-site biodiversity. The Council has agreed with the contribution amount and has dropped this reason for refusal of the scheme as a result. Based on the evidence before me I agree that this reason for refusal has now been overcome and I have proceeded to determine the appeal on this basis.
4. The Council advised during the appeal process that the emerging Charnwood Local Plan 2021 – 2037 (ELP) has now finished public consultation on the

proposed main modifications. The ELP is therefore now at an advanced stage and is being afforded significant weight in the decision-making process. Based on the stage of development, I see no reason to disagree. I have taken this into consideration in the determination of this appeal.

Main Issue

5. The main issue is the effect of the proposal on the Council's development plan strategy for the location of housing.

Reasons

Background

6. The appeal site is located within the village of Cropston and comprises an undeveloped plot between two existing dwellings. The proposal seeks to erect a single storey dwelling to infill the gap, with access taken from Sandham Bridge Road.
7. The existing development plan includes 'saved' policies from the Borough of Charnwood Local Plan (LP) (adopted January 2004), the Charnwood Local Plan 2011 – 2028 Core Strategy (CS) (adopted November 2015) and, specific to this area, the Thurcaston and Cropston Parish Neighbourhood Plan 2015 – 2028 (NP) (adopted September 2016).
8. The crux of the dispute between the main parties is whether prospective future occupiers of the proposal would have access to a suitable range of services and facilities in the area, and whether an identified local need has been demonstrated for the dwelling.
9. After the appeal was submitted, the Council claims it can demonstrate 5-year supply of deliverable housing land¹, which is given as 5.32 years. Based on all that I have seen and read, I see no reason to disagree. However, the appellant considers the most important policies for determining the application are out of date.

Most Important Policies

10. I consider the most important policies for determining the appeal are CS1 of the CS and T&C2 and T&C4 of the NP. Policies C1 and DS1 of the ELP are material considerations of significant weight.
11. Policy CS1 of the CS sets forth the provision for at least 13,940 homes to be delivered in the plan period, with priority given to the Leicester principal urban area and a general settlement hierarchy for the distribution of housing in the plan area. Cropston is located within the 'small villages and hamlets' classification. In these areas, the Council seeks to safeguard services and facilities, while responding positively to development which meets a specific local social or economic need. It goes on to advise that this will occur where that need is identified by a neighbourhood plan. CS1 is generally consistent with the Framework insofar as it seeks to significantly boost the supply of housing which is predominantly distributed to larger towns and cities with smaller, less well serviced settlements allocated less units. I accept that the figure used for the housing number in the policy was generated from an objectively assessed need which is 10 years old and lower than that which

¹ 'Charnwood Four Year Housing Land Supply – 1 April 2024'

underpins the emerging plan. Nevertheless, the policy requires the provision of at least 13,940 homes, meaning that there would be room for the delivery of more homes, notwithstanding the lower figure. Therefore, I do not consider the policy to be out of date.

12. Policy T&C2 of the NP directs development meeting certain criteria, including a 'clearly identified need', to the defined limits of Thurcaston but is silent on Cropston. Policy T&C4 offers support for small infill and redevelopment sites also within the development limits of Thurcaston, which is already supported in policy T&C2.
13. The explanatory text to policy T&C2 advises that '*as Cropston is not identified as a main settlement in the Core Strategy it would not be appropriate to introduce a Limit to Development for the Village as this would be contrary to Borough-wide policy and may encourage development in a location which is generally not considered suitable*'. Moreover, in the supporting text of policy T&C4 of the NP, it is stated that '*the Core Strategy does not consider that the rest of the Parish, including Cropston, is a suitable location for new housing and is not expected to make a specific contribution to the overall Borough-wide housing target. An approach this Plan supports*'.
14. As the appellant points out, the NP was adopted in 2016. Although the Council agrees that the NP is out of date, age alone is not a reason to conclude this, and paragraph 14(a) of the Framework only applies where paragraph 11(d) is triggered. However, these policies of the NP are significantly more restrictive than the Framework with regards to the distribution of housing, which seeks to avoid isolated homes in the countryside but advises through paragraph 83 that where there are groups of smaller settlements, development in one village may support services in a village nearby. As such, policies T&C2 and T&C4 are not wholly consistent with the Framework and any conflict with them is attributed less weight as a result.

Services and Facilities

15. The NP is clear that housing in Cropston is not considered suitable due to its lack of services and facilities. However, paragraph 82 of the Framework advises decisions should be responsive to local circumstances. From all that I have seen and read, the appeal site would be in a location that has access to a small but significant number of services and facilities, such as several pubs, restaurants, sports facilities and a church. There is also a regular bus route to larger settlements such as Leicester and Loughborough and a more recent weekly fresh produce market.
16. Moreover, I observed on the site visit that Thurcaston includes a larger range of services, including a primary school, which would be walkable from the appeal site along a footpath next to a straight road with a 40mph speed limit in around 15 minutes. Therefore, I consider this to be a relatively accessible location that offers a genuine choice of transport modes. Taken together, the proposal for one dwelling would meet the requirement of policy CS1 of the CS to safeguard services and facilities, although it would still be required to demonstrate a local need, for which CS1 references the policies of the NP.

Whether Local Need

17. There is little substantive guidance as to what a local need should entail. The supporting text for policy T&C4 advises that a 2015 study by Midlands Rural Housing found that for the settlement of Cropston; *'There is an identified need for 3 open market homes in Cropston for those with a local connection'*.
18. There is further discussion of need in the supporting text of policy T&C5 which, although not a policy against which the proposal was refused, states that there is a need to *'significantly increase the number of smaller properties (less than 3 bedrooms). The low proportion of smaller homes available makes it difficult for older people who want to downsize, as well as younger people (and people on low incomes) who want to find their first home.'*
19. From my reading of the NP therefore, the clearest identified needs given are for 3 open market homes and smaller houses in the plan area. Although the NP goes on to advise that *'it is expected that windfall sites based on current trends and expectations over the lifetime of the Plan together with Broadnook development will more than meet the local housing need identified in these studies'*, the appellant advises that there has been no housing approved in Cropston for around 20 years and I have nothing before me to indicate that the Broadnook scheme has been implemented. Moreover, the Council refers to this identified need being quashed by the allocations of the NP, but it is unclear as to where these allocations are as the NP seemingly relies on windfall sites, infills and conversions to meet its housing needs.
20. The appellant has advised that the dwelling would be for their daughter who grew up in the area and has health issues. I agree there is little evidence to substantiate this, although there is also no reason for me to doubt their connection to the village. Nevertheless, the proposal is not strictly to address a local need that has been identified in the village.
21. Turning to the ELP, policy C1 outlines two approaches to development in the countryside. This includes small villages and hamlets in the countryside as well as a general strategy beyond defined limits of towns and villages. For small villages and hamlets, the supporting text of the policy advises that no allocations have been made due to their general unsuitability for development. However, C1 refers to the need to manage the largely undeveloped character of the countryside and the aim of this policy is to protect the intrinsic beauty of the countryside. This matter did not form a reason for refusal and as such, I see no reason to conclude that the proposal would be contrary to it at this time.
22. Policy DS1 outlines the spatial distribution strategy for the 17,776 homes the ELP seeks to deliver, using the settlement hierarchy to focus the majority of these in the Leicester and Loughborough urban areas. The 13 small villages and hamlets of the plan area are expected to deliver 18 dwellings in the plan period. As the appellant points out, this would mean a rough figure of just over 1 dwelling per settlement of this type, although there is no requirement to spread these out amongst the small villages and hamlets. As such, the proposal would meet the requirements of policy DS1 of the ELP.
23. Drawing things together, the proposal would conflict with policy CS1 of the CS as well as T&C2 and T&C4 of the NP, although the latter conflict is afforded less weight. This is due to its location in a village which is not intended for new

residential development, contrary to the spatial distribution aims for housing in the plan area.

Planning Balance

24. Given the above, the proposed development would not accord with the Council's development plan strategy for the location of housing drawing it into conflict with the development plan as a whole.
25. However, the proposal would accord with the need to safeguard services in small villages and hamlets as per CS1 and the Framework. Moreover, the proposal would add a further dwelling of smaller scale, of which there is an identified need, to the Council's existing stock, boosting the supply of housing. It would also create a small but significant benefit to the services and facilities of Cropston as well as Thurstaston and other settlements nearby which are reasonably well serviced by public transport. This would accord with the advice in the Framework. The proposal would also accord with policy DS1 of the ELP which, due to its advanced stage, is worthy of significant weight as a material consideration.
26. Taken together, the conflict with the development plan is outweighed by the benefits of the proposal and the material considerations in favour of the scheme justify allowing the appeal in this case.

Other Matters

27. I have had due regard to the comments received from interested parties during the application process. One of these cited concerns with regard to the loss of light to an outbuilding in the garden of No.105 Station Road which is evidently used as a home office. However, the plans referred to in that comment were superseded², with the design of the proposed dwelling in alignment with the front of the dwellings to either side facing Sandham Bridge Road. This would move most of the rear elevation of the proposal further away from the shared boundary than the previous version of the site plan cited by the interested party, while I observed that there were trees and foliage along the fence line which already caused reduced daylight in the immediate vicinity. Moreover, the Council did not raise issue with this matter, along with potential impacts to said nearby trees, during its assessment of the proposal and based on all that I have seen and read, I see no reason to disagree.
28. Further comments were received regarding potential impacts on parking in the host street. However, the proposal includes off-street parking for 2 vehicles. The Council did not raise issue with this matter during the application process and based on all that I have seen and read, I see no reason to disagree.

Conditions

29. The Council has provided 2 suggested conditions in the event that the appeal was allowed. I have had due regard to these and considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). The standard conditions relating to timescale for commencement of development and accordance with approved plans are imposed for certainty.

² Drawing No. 22-117-2 Rev C

30. The appellant suggested, if necessary, a condition limiting the occupation of the dwelling to a resident with a local tie to the area in perpetuity. However, given my findings above with regards to housing need, I have not considered this necessary in this instance.

Conclusion

31. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

C McDonagh

INSPECTOR