
Appeal Decision

Site visit made on 18 March 2025

by P Barton BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th April 2025

Appeal Ref: APP/K2420/W/24/3351678

21 Greenmoor Road, Burbage, Leicestershire LE10 2LS

- 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 Tracey Cleall against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref is 24/00275/OUT.
 - The development proposed was described as “outline application for the erection of a single dwelling with some matters reserved. Access and layout to be considered.”
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Tracey Cleall against Hinckley and Bosworth Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal scheme relates to an outline proposal, with access and layout to be considered at this stage, and with all other matters reserved for future consideration. I have considered the appeal accordingly.
4. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 with a further minor revision on 7 February 2025. The main parties were given an opportunity to comment. I have had regard to the latest version of the Framework in my decision.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site forms part of the rear garden of the host property and is located approximately midway along a length of some 16 properties that face Greenmoor Road and have rear gardens that back onto Rugby Road. There are some domestic outbuildings within these gardens, but the space is noticeably absent of any significant structures. The boundary treatments to these rear gardens along Rugby Road predominantly consist of a mixture of high screen timber and concrete fence panels. There is also some vegetation present in places in front of,

as well as behind and above, the fences. A number of trees are located within these rear gardens.

7. On the opposite side of Rugby Road is a grassed highway verge containing evenly spaced street trees. Beyond that are houses with a generous setback from a separate service road.
8. This stretch of Rugby Road has an open and verdant character and appearance. The sense of openness created by the rear gardens to the properties along Greenmoor Road, which the appeal site forms part of, makes a significant contribution towards this.
9. The proposed development would introduce a substantial building, with a new access point, within a stretch of Rugby Road where there is currently nothing of that nature. The proposal would not represent an infill development due to the extensive gap between No 249 Rugby Road to the north and No 2 Aldridge Road to the south. It would appear visually jarring and isolated in this location. It would also be highly prominent to users of Rugby Road and the service road, as well as occupiers of the houses on the opposite side of Rugby Road and nearby properties on Greenmoor Road.
10. Consequently, the proposal would introduce development into a rear garden that would fail to reflect the established pattern of development in the area, which would be unduly harmful to the established character and appearance of the area.
11. I am mindful that scale is not for consideration at this stage, and it has been indicated that the property could be a dormer bungalow or a 2 storey house that reflects the surrounding properties. However, this does not address the harm I have identified and either style of property would still represent a significant building within this rear garden location and would not respond to the existing pattern of development.
12. My attention has also been drawn to a number of approved developments around Sketchley Hill House, which is south of the appeal site on the opposite side of Rugby Road. However, these approved developments are materially different to the appeal scheme before me, as they relate to infill and backland plots in a location which does not have the openness of the appeal location and which contributes positively to local character. As such, a comparison is of limited relevance in this instance, and I have considered the appeal before me on its individual merits.
13. For the above reasons, the proposed development would be harmful to the character and appearance of the area. This would conflict with Policy DM10 of the Site Allocations and Development Management Policies DPD (SADMP), which seeks developments that complement or enhance the character of the surrounding area with regard to, amongst other things, layout. It would also be contrary to Policy 2 of the Burbage Neighbourhood Plan, which requires future residential development to respect its surroundings and, where appropriate, to follow the existing pattern of development. Moreover, the proposal would be contrary to the Council's Good Design Guide Supplementary Planning Document (GDG), which aims to ensure that design reflects its location.

Planning Balance

14. Prior to the revised Framework on 12 December 2024, the Council could demonstrate a 5.6 year supply of deliverable housing sites. The Council has offered no updated housing land supply calculation since the publication of the revised Framework. Unchallenged evidence has been submitted by the appellant which indicates that the Council is now unlikely to be able to demonstrate a 5 year supply of deliverable housing sites. In the absence of contrary evidence before me, I see no reason to disagree with this position.
15. In such circumstances and, as per footnote 8 to paragraph 11 d) of the Framework, relevant development plan policies are taken to be out of date. Therefore, paragraph 11 d) of the Framework identifies that planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. Moreover, whilst the Burbage Neighbourhood Plan became part of the development plan in May 2021, based on the available evidence in this case, it can no longer meet its identified housing requirement. As such, the protection given to conflicts with neighbourhood plan policies in paragraph 14 of the Framework does not apply in this case.
17. The proposal would make a positive contribution to housing supply within an existing settlement. The house would have the potential to provide a good level of accommodation, suitable for occupation by a family, that could be designed to meet the Lifetime Homes Standard, as well as be a possible self-build project. There would also be associated social and economic benefits during the period of construction and once the dwelling is occupied.
18. Whilst the Council does not raise any objection to the proposal in terms of highway safety, living conditions, landscaping or ecology, these are all matters which do not weigh in favour or against the proposal. As such, they have a neutral effect on the planning balance.
19. I acknowledge that the proposal did not generate any objections from neighbours. Nevertheless, I must consider the appeal based on its merits and in accordance with the development plan.
20. Reference has been made to the proposal having scope to unlock access to other similar sized rear gardens, and that interest has been expressed in developing these to provide additional housing. However, this does not form part of the proposal before me and each proposal should be determined on its own merits.
21. The limited scale of the development means that I afford the provision of a new house within the context of the current shortfall, along with the other benefits listed above, moderate weight in favour of the proposed development. I have considered the economic, social and environmental objectives of the Framework referred to, as well as paragraph 73, which emphasises the important contribution small and medium sized sites can make to meeting the housing requirement. Great weight is also given to the benefits of using suitable sites within existing settlements for homes.

22. On the other side of the balance, there would be harm to the character and appearance of the area. I give significant weight to the conflict with Policy DM10 of the SADMP, Policy 2 of the Burbage Neighbourhood Plan and the GDG, which are consistent with the Framework in ensuring that development is sympathetic to local character.
23. Therefore, I conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such the presumption in favour of sustainable development set out at paragraph 11 d) of the Framework does not apply.

Conclusion

24. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

P Barton

INSPECTOR