



Appeal Decision

Site visit made on 30 July 2025

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2025

Appeal Ref: APP/G2435/W/25/3365289

The Orchard, Charley Road, Charley, Leicestershire LE12 9YB

- 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 & Mrs Mather against the decision of North West Leicestershire District Council.
 - The application Ref is 24/01245/FUL.
 - The development proposed is conversion of existing garage to single C3 self-build dwelling with associated parking and alterations to residential curtilage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Unilateral Undertaking (UU) was submitted during the course of the appeal which seeks to secure the self-build status of the proposed dwelling. Within its Statement of Case the Council acknowledges submission of the UU and does not raise any concerns in respect of its provision.

Main Issue

3. The main issue is whether the appeal site is a suitable location for housing, having regard to the Council's spatial strategy, the relevant development plan policies and the proximity of services and sustainable modes of transport.

Reasons

4. The appeal relates to a detached garage associated with the residential dwelling known as The Orchard, which forms part of a group of properties accessed via an unnamed road off Charley Road.
5. The development plan for the area comprises the North West Leicestershire Local Plan (March 2021) (LP). Policy S2 of the LP sets out the Council's settlement hierarchy to distinguish between the roles and functions of different settlements and to guide the location of future development.
6. The appeal site is not located within any Limits to Development boundary and sits within a cluster of properties with no services and facilities. It therefore falls within the Hamlet settlement classification of Policy S2. Accordingly, the appeal proposal must be considered in the context of the countryside Policy S3.
7. Policy S3 states that land outside the Limits to Development is identified as countryside. A number of specified uses (a) - (s) are supported in the countryside, and the proposal falls under category (d) which states the re-use and adaptation of

buildings for appropriate purposes including housing in accordance with the Settlement Hierarchy.

8. Policy S3 goes on to require any development that accords with the specified uses in (a) to (s) must meet six criteria to be supported in the countryside. Criterion (vi) requires that the proposed development is accessible, or will be made accessible, by a range of sustainable transport. I find LP Policies S2 and S3 to be consistent with the National Planning Policy Framework (the Framework), which seeks to actively manage patterns of growth.
9. The appeal site is located within a rural location and I acknowledge that sustainable transport solutions vary between urban and rural areas. However, I have been provided with very limited information in respect of the distances to the nearest services and facilities, such as shops, schools, health facilities, public transport links, employment opportunities etc... from the appeal site. Furthermore, I observed on site that there appeared to be no such facilities within the immediate vicinity.
10. I also noted that both the road serving the appeal site, and the section of the highway of Charley Road close to the appeal site, did not include footpaths or street lighting. These factors result in both walking and cycling being unattractive options to access any such services and facilities in comparison to car journeys.
11. As such, on the evidence before me and my own observations on site, the appeal site would not represent a sustainable location for residential development in respect of access to everyday services and facilities. Future residents would therefore be heavily reliant upon the use of the private car.
12. The appellants' have drawn my attention to changes in circumstances since a previous appeal¹ was dismissed at this site for the conversion of the garage to a residential dwelling. These include more people working from home after Covid, thereby reducing travel, and a significant uptake in the use of electric cars.
13. Whilst these points are acknowledged, there is no mechanism before me which secures that the occupants of the proposed dwelling would work from home, or that all vehicle movements associated with the proposed dwelling would be undertaken by electric vehicles. Moreover, I am not convinced that any such restrictions would be either enforceable or reasonable. This therefore limits the weight I attribute to these matters in favour of the appeal proposal.
14. No traffic survey or transport statement has been submitted to substantiate the appellants' claim that vehicle movements associated with the proposed use of the building as a separate dwelling would be comparable to the vehicle movements associated with a potential use as an annex. Additionally, there is no evidence before me that an alternative use of the appeal building as an annex would not result in some shared journeys with the occupants of the main house. As such I have limited substantive evidence before me that the proposed conversion of the garage to a residential dwelling would be comparable to that of an annex use in terms of vehicle movements.
15. My attention has been drawn to an allowed appeal² at Newton Regis within a different authority. Within that decision the Inspector states that the vehicle

¹ APP/G2435/W/19/3243002

² APP/R3705/W/18/3218660

movements associated with one dwelling would likely be limited, and therefore the Inspector afforded limited negative weight to the harm arising from vehicle movements.

16. I have been provided with very limited information in respect of that appeal decision, and each application must be determined on its own merits. Nevertheless, having reviewed that decision letter the Inspector states that they observed various services and facilities in Newton Regis, before commenting that future occupiers would need to use a private car for “*some trips*”.
17. I do not therefore find that appeal decision to be comparable to the appeal scheme before me, for which I have been provided with very limited information in respect of any nearby services and facilities that would be accessible via sustainable modes of transport. This therefore limits the weight I attribute to the appeal decision at Newton Regis in my determination of the appeal proposal before me.
18. I acknowledge that the Framework promotes the development of under-utilised buildings. However, at the time of my visit the appeal building was not under-utilised as it was operational as a garage at ground floor level and an office at first floor level.
19. In view of all the above, I conclude that the appeal site is not accessible, or will be made accessible, by a range of sustainable transport. The appeal site would not therefore represent a suitable location for residential development and would be contrary to the Council’s spatial strategy for new housing. The proposal therefore conflicts with Policies S2 and S3 of the LP, the principal relevant provisions of which I have set out above. The proposal would also be contrary to the provisions of the Framework where it seeks to achieve sustainable development.

Planning Balance

20. I have found that the appeal site is not accessible, or will be made accessible, by a range of sustainable transport. Consequently, the appeal site does not represent a sustainable location and would be an inappropriate location for residential development according to the development plan’s spatial strategy. The proposal therefore conflicts with LP Policies S2 and S3.
21. Paragraph 225 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. In this respect the Framework expects development to promote sustainable travel modes, such as walking and cycling, that limit future car use. Therefore, the conflict between the proposal and Policies S2 and S3 should be given significant weight in this appeal. As the proposal would be contrary to these policies there would be conflict with the development plan as a whole.
22. The Council has confirmed that it can currently demonstrate a five-year supply of deliverable housing sites, and this has not been disputed by the appellants’. However, the parties agree that paragraph 11 (d) of the Framework applies in this instance given the absence of a self-build policy. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

23. Footnote 9 explains the policies referred to are those in paragraphs 66; 84; 91; 110; 115; 129, 135 and 139 of the Framework.
24. As the appeal proposal is not for a major housing development, and does not propose a main town centre use, paragraphs 66 and 91 are not relevant to this appeal.
25. In respect of paragraph 84, the appeal site has been found to form part of a rural hamlet of buildings and does not therefore represent an isolated home in the countryside. I find paragraph 84 is therefore not applicable.
26. Nevertheless, even if applicable, the proposal would not adhere to any of the five criteria within paragraph 84 which permits isolated homes in the countryside. In coming to this view I acknowledge that criterion (d) of paragraph 84 does allow for the re-use of redundant and disused buildings which would enhance its immediate setting. However, as mentioned earlier the appeal building is currently in use and therefore does not represent a redundant or disused building.
27. The proposed development would be of an acceptable design and therefore accords with paragraphs 135 and 139 of the Framework.
28. However, for the reasons given earlier, I have found that the appeal site is not located within a sustainable location and would not limit future car use as the site does not have good access to facilities, services and public transport connections. The proposal would not therefore accord with paragraphs 110, 115 and 129 (c) of the Framework.
29. The Framework seeks to significantly boost the supply of homes and make efficient use of land, and the proposal could be delivered relatively quickly on site. Given that the Council can currently demonstrate a five-year supply of deliverable housing sites I attribute limited weight to the provision of one additional dwelling.
30. The appeal proposal has however been submitted as a self-build dwelling and I acknowledge paragraph 73 (b) of the Framework supports small sites to come forward for self-build and custom-build housing. The Self-build and Custom Housebuilding Act (2015) (as amended) places a statutory duty on Council's to keep a register of the persons who are interested in acquiring a self-build or custom-build plot, and to grant enough suitable development permission for serviced plots to meet the demand.
31. According to the Council's submission there was an unmet demand for 18no. self-build plots in this authority for the last base period ending 30 October 2024. This unmet demand is carried over to the next base period and the Council has confirmed there is currently a shortfall of 28no. self-build plots which would need to be granted planning permission by 30 October 2025. These figures have not been disputed by the appellants.
32. The Council is therefore failing to meet its statutory duty and I consider the shortfall to be significant. This however does not mean that self-build development should automatically be exempt from policies designed to direct development to the most suitable locations.
33. Nonetheless, I recognise the importance of self-build and custom build dwellings and my attention has been drawn to the Right to Build Task Force Planning: Good Practice Guidance. I have had due regard to this guidance, noting the appellants' reference to it stating that the availability of self-build and custom-build housing

plots should be a factor in the determination of the application and given significant weight in the planning balance; and where there are no planning harms, it is possible that meeting the statutory duty is sufficient to indicate approval, even in case of minor departure from the local plan.

34. Nevertheless, and for the reasons given earlier, in this case the proposal conflicts with LP Policies S2 and S3 and represents unsustainable development. I therefore find the planning harm arising from the proposal to be significant.
35. Furthermore, the proposal would only add one additional dwelling to the supply of self-build accommodation and the proposal would therefore make a small contribution in addressing the shortfall in self-build provision. This therefore limits the weight I attribute to this matter in favour of the appeal scheme.
36. Economic benefits would also arise from the proposal, including contributions to the local economy during the conversion phase of the development. These however would be short term benefits. In accordance with paragraph 83 of the Framework further economic benefits would also arise from additional spending in the wider area by future occupants of the dwelling. Cumulatively, given the scale of development the economic support to the area arising from the appeal proposal would be relatively small. I therefore attach limited weight in respect of the economic benefits.
37. In view of all the above, I find that the adverse impacts arising from the appeal site's unsustainable location, and the impacts on the Council's development strategy for new housing, would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

38. I conclude that the proposal conflicts with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

R Major

INSPECTOR