
Appeal Decision

Hearing and site visit on 1 July 2014

by William Fieldhouse BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 July 2014

Appeal Ref: APP/F2415/A/14/2216887

Land to rear of 28 Broadgate, Great Easton, Leicestershire LE16 8SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Dennis Stewart against the decision of Harborough District Council.
 - The application Ref 13/01767/OUT, dated 11 October 2013, was refused by notice dated 12 February 2014.
 - The proposal is an outline application for residential development of up to 13 dwellings.
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Decision

1. The appeal is allowed and outline planning permission is granted for residential development of up to 13 dwellings on land to rear of 28 Broadgate, Great Easton, Leicestershire LE16 8SH in accordance with the terms of the application, Ref 13/01767/OUT, dated 11 October 2013, subject to the nine conditions set out in the attached schedule.

Preliminary Matters

2. The application was for outline planning permission with all matters reserved. A layout plan submitted with the application, showing 13 dwellings served by an access road from Broadgate to the side of No. 28, was agreed by both parties at the hearing to be illustrative rather than a formal part of the proposal. It was also agreed that the height of the dwellings would be determined through consideration of the reserved matters. The appellant has confirmed that an appropriate proportion of the dwellings would be affordable; this could be ensured through the imposition of a planning condition if the appeal were to be allowed. I have dealt with the appeal accordingly.

Background and Main Issue

3. Great Easton is a Selected Rural Settlement identified in the Harborough Core Strategy (2011) and therefore an appropriate and sustainable location for a modest amount of new housing development. Whilst the site is located outside the development limits defined in the Harborough Local Plan (2001), core strategy policy CS2 allows housing development in such locations if at any point there is less than a five years supply of deliverable housing sites and the proposal is in keeping with the scale and character of the settlement concerned.
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4. Subsequent to determining the planning application that led to this appeal, the Council confirmed that there is less than a five year supply of deliverable housing land in the district¹.
5. Part of the site is in, and the remainder of the site adjoins, the Great Easton Conservation Area.
6. In light of the above, the main issue is whether the proposal would be in keeping with the scale and character of Great Easton, having special regard to the desirability of preserving or enhancing the conservation area and its setting².

Reasons

7. The conservation area covers the majority of one of the larger rural settlements in the Welland Valley. Great Easton is compact in shape with a variety of historic cottages, more modern dwellings, and farm buildings arranged informally along a rectangle of roads and various lanes leading outward. There are a number of open spaces between and behind buildings within the village, and larger, lower density houses are located mainly on the lanes towards the edges of the village. The form of the settlement has evolved over time, mainly through various types of small scale housing development.
8. The appeal site is an essentially flat area of maintained grassland to the rear of, and at a higher level than, the detached 20th century bungalows along Deepdale, a narrow lane with a rural nature on the edge of the village. To the west are large trees and the long back garden of 6 Deepdale, and to the east lies a small field with housing development beyond. A mature hedgerow separates the site from the open countryside to the north. I am advised that the site, which amounts to nearly 0.6 hectares, has been used as part of the residential curtilage of 28 Broadgate for around 15 years.
9. The site makes a positive, but modest, contribution to the quality and setting of the conservation area by virtue of its openness and the presence of the mature trees and hedgerows on its boundaries.
10. The proposal would clearly reduce the openness of the site and introduce development to the rear of the linear pattern of housing along the northern side of Deepdale. However, such a form of development exists in other parts of the village, including nearby on the opposite side of Broadgate, and at Holt View to the north east. The site is visually and physically separated from the open countryside by the mature vegetation, which would be retained, and projects no further north than the adjoining residential curtilage and considerably less than the housing along Stockerstone Lane. A development of up to 13 dwellings would not be out of scale with the village as a whole or other residential developments that have taken place in recent decades.
11. The road access would be provided from within the built-up area through an existing gap between Nos. 28 and 26 Broadgate, some distance from the narrower rural lane to the west. The arrangement would be similar in nature to other residential side roads nearby, and would help to ensure that the

¹ Harborough District Council Five Year Housing Land Supply 31 March 2014.

² Planning (Listed Buildings and Conservation Areas) Act 1990 section 72, and the National Planning Policy Framework (2012) paragraph 129.

development integrated into the existing settlement and did not detract from the street scene.

12. The development would clearly be seen from a number of adjoining dwellings, and partially from Deepdale when entering the village from the public bridleway to the west, from parts of Broadgate, and from the countryside to the north including from sections of the rights of way network and Stockerstone Lane. However, the substantial vegetation around parts of the site, along with existing buildings to the front, mean that dwellings of an appropriate scale would not appear prominent when seen from any public vantage point. Any glimpses of the development from the north would be seen against existing houses such that it would not appear divorced from the village.
13. The layout of development, and the age, style and size of buildings, around the outer parts of the village are quite varied in nature, meaning that there is no uniform or clearly defined pattern to the settlement edge. There is no reason why a well-designed and landscaped group of up to 13 dwellings could not create an attractive interface with, rather than detract from, the surrounding countryside which consists mainly of medium-sized agricultural fields with mixed hedgerows on their boundaries.
14. I conclude on the main issue that the development could be designed to be in keeping with the scale and character of Great Easton and to preserve the character and appearance of the conservation area and its setting. The proposal would, therefore, be consistent with the objectives of national policy³ and core strategy policies CS2, CS11 and CS17 which collectively seek to ensure that development recognises the intrinsic character and beauty of the countryside, respects and enhances local character and distinctiveness, integrates as far as possible into the existing built form, and conserves heritage assets and their settings.

Other Matters

15. Whilst a significant number of local residents have expressed support for the proposal on the grounds that it would provide much needed additional homes in the village and help to support local facilities, others have raised a number of additional concerns.
16. The proposal would lead to some increase in cars using the local roads, some of which are narrow with restricted visibility in places, but neither the Council nor the highway authority considers that the safety of drivers or pedestrians would be compromised, and I have seen no substantive evidence to lead me to a different conclusion.
17. Provided that appropriate drainage infrastructure was provided, the development should not increase flooding in the local area or add to existing sewerage problems.
18. The Council could ensure through its consideration of reserved matters that the scale and layout of development did not result in undue loss of privacy to, or harm to the outlook from, existing dwellings. There is nothing specific about the

³ National Planning Policy Framework (2012) paragraph 17, 5th bullet point, and paragraphs 58, 64, 126 and 129.

nature of the proposal or its surrounding to suggest that it would significantly affect property values in the area.

19. As I have found that the proposal would not harm the character or appearance of the area, it would not set a precedent for undesirable development elsewhere in the village. In any case, further proposals would have to be considered on their own particular merits.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed.

Conditions

21. The 19 conditions suggested by the Council were discussed at the hearing where it was agreed that many of these related to issues that could be satisfactorily dealt with during consideration of the reserved matters. However, several of the suggested conditions are necessary, subject to some alterations to improve clarity and ensure consistency with national policy and guidance⁴.
22. In addition to the standard conditions relating to the timing of development and reserved matters, it is necessary to ensure that details of foul and surface water drainage are submitted to prevent flooding and pollution.
23. Core strategy policy CS3 states that all residential development should contribute towards meeting affordable housing needs. The Council advises that in this case 30% of the dwellings should be affordable, the appellant is in agreement, and this is in line with policy CS3. A condition to ensure this is therefore justified.
24. There is evidence to suggest that there is a reasonable likelihood that archaeological remains are present within the site, meaning that an investigation ought to be undertaken and the results recorded in order to safeguard, and improve public knowledge of, the historic environment.
25. Given the nature of the roads serving the site and the proximity of existing dwellings, the hours of construction should be limited, and a construction traffic management plan, to cover matters such as the provision of on-site parking and loading areas and wheel-washing facilities, should be provided, in order to safeguard residential living conditions and highway safety.
26. A condition requiring the retention of existing trees and hedgerows around the site is necessary to safeguard the character and appearance of the area.
27. The various conditions suggested by the Council and highway authority relating to the design and provision of the access, parking and turning areas are not necessary as access and layout are reserved matters.

William Fieldhouse

INSPECTOR

⁴ National Planning Policy Framework (2012) paragraphs 203 and 206, and Planning Practice Guidance (2014): *Use of Planning Conditions*.

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to, and approved in writing by, the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) Development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to, and approved in writing by, the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework (2012) or any future guidance that replaces it. The scheme shall include:
 - a) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units;
 - b) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - c) the arrangements for the transfer of the affordable housing to an affordable housing provider, or the management of the affordable housing;
 - d) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - e) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- 5) Development shall not begin until details of the proposed means of foul and surface water disposal have been submitted to, and approved in writing by, the local planning authority. The approved details shall be implemented in full before any of the dwellings are occupied
- 6) Development shall not begin until a scheme for a programme of archaeological investigation, works and reporting, along with an implementation timetable, has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in strict accordance with the approved scheme, and no dwelling shall be occupied until the reporting has been completed in accordance with the approved scheme.
- 7) The trees and hedgerows along the boundaries of the site shall be protected during construction works and thereafter permanently retained.
- 8) Demolition or construction works shall not take place outside 08.00 hours to 18.00 hours Mondays to Fridays and 08.00 hours to 13.00 hours on Saturdays nor at any time on Sundays or Bank Holidays

- 9) No construction shall take place until a construction traffic management plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the period of construction.
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Richborough Estates

Appearances at the Hearing

For the Appellant

Dennis Stewart	Appellant
Nigel Ozier	Brian Barber Associates
Jonathan Weekes	Brian Barber Associates

For the Local Planning Authority

Janet Buckett	Planning Officer
Rosalind Hair	Area Planning Officer
Christopher Brown	Planning Policy Officer

Documents Submitted at the Hearing

Extract from Strategic Housing Land Availability Assessment – land at rear of 28 Broadgate, Great Easton (site ref A/GE/HS/01)

Hearing notification letter (Harborough District Council 20 May 2014)