



Appeal Decision

Hearing held on 19 June 2012

Site visit made on 20 June 2012

by Olivia Spencer BA BSc DipArch RIBA

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

Decision date: 16 August 2012

Appeal Ref: APP/F2415/A/12/2167768

Land off Uppingham Road, Bushby, Leicester

- 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 Trustees of the Bushby Land Settlement against the decision of Harborough District Council.
 - The application Ref 11/01334/OUT, dated 14 September 2011, was refused by notice dated 21 December 2011.
 - The development proposed is residential development for up to 50 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application is in outline with access only to be considered at this stage and all other matters reserved for later consideration.
3. The appellant has submitted a section 106 undertaking that would provide contributions designed to mitigate the impact of the development on local infrastructure in accordance with the requests made by Harborough District Council (HDC) and the County Council.
4. An appeal decision relating to a site at Sapcote Road, Sapcote (APP/T2405/A/11/2164413) was issued after the close of the hearing on 27 June 2012. The main parties were given the opportunity to comment on the decision.

Main Issues

5. The main issues are firstly, the effect of the proposed development on the character and appearance of the countryside and secondly, whether a 5 year supply of deliverable housing land can be demonstrated.

Reasons

Character and appearance of the countryside

6. The appeal site is located on the south side of the A47 Uppingham Road beyond the defined settlement boundary of Thurnby and Bushby. Whilst to the west, the suburban and urban development of Leicester is evident, the site forms part of a rural landscape characterised by broad rolling ridges and varied often steep sided valleys of pasture and arable fields. The development would

adjoin the Uppingham Road which runs along a high ridge to Houghton on the Hill. The appeal site, and the land which falls from the ridge to the south and north of it, retains an open, agricultural and rural character and appearance.

7. The site forms part of land identified as parcel 20 in the *Leicester PUA Landscape Character Assessment and Landscape Capacity Study (LCS) 2009*. The study gave the land parcel an overall capacity total of 19 - low. The accompanying commentary notes in particular the extensive views into the land parcel from the open countryside, the footpaths running through the parcel, its steep terrain and the very limited scope for effective mitigation.
8. In *Response to Landscape Visual Impact Assessments (RLVIA) 2011* the same criteria were used to assess application 10/01660/OUT. Like the appeal site, this site lay in the eastern part of parcel 20. It included part of the appeal site area along Uppingham Road, but unlike the appeal site extended across the sloping land to the south and west. The score given was 27 putting it in the medium landscape category. The appellant calculates that the appeal scheme, which would leave the steeper slopes outside the development area, would be awarded a yet higher score. In outlining its methodology the LCS however cautions that no absolute conclusion should be drawn from the numerical totals, and that each proposal will still need to be considered on its own merits.
9. Trees and planting along the edge of Uppingham Road would provide some screening of the site. The large houses set back from the road within mature gardens immediately to the west of the site however demonstrate that even with road frontage vegetation, domestic habitation is evident. The suburban character apparent here would be extended along the site frontage. Clear views into the development would be available along the proposed access road, and the footway and speed limit along Uppingham Road would be extended to incorporate the proposed development. Whilst open views across the landscape to the north of Uppingham Road would be retained, an elongated ribbon of development stretching out into the countryside along the A47 would be apparent.
10. Footpath D11 runs from the village centre, east across the southern slope of the ridge, past the appeal site. Once out in fields, southerly views open out across the landscape. To the north housing caps the slope; the housing in Winkerdale Close being particularly prominent. The proposal would extend this line of development substantially further along the ridge with dwellings continuing the southern building line of Winkerdale Close. Here too planting may provide some screening, but an estate of some 50 dwellings, gardens, roads, vehicles and domestic paraphernalia is not easily concealed. And given that tall dense vegetation on the southern edge of the development would restrict views across the landscape and cast shadows over the gardens of houses along this boundary, it cannot be assumed that such planting would be retained. I noted at the site visit that many of the hedges enclosing gardens on the southern edges of Winkerdale Close and The Cedars for example were low and well trimmed.
11. From the lay-by on the Stoughton Road Thurnby can be seen sitting on top of the ridge. This is an historic pattern of rural development characteristic of the area. Recent development east along the ridge is visible with Winkerdale Close clearly discernable beyond the large mature gardens of the Uppingham Road houses. In extending this, the proposed development would further erode the appearance of a contained hill top village, and add significantly to what is seen

from the open countryside to the south-west as a sprawl of development along the ridge.

12. Notwithstanding the landscape capacity scores attributed to the site by the LCS, RLVIA and the appellant's consultant, I conclude for these reasons that the proposed development would have a substantial adverse effect on the rural character and appearance of the site, surrounding countryside and rural setting of Thurnby and Bushby. As such it would conflict with the objectives of Policies CS11 and CS15 of the Harborough District Local Development Framework Core Strategy (CS) 2011 which seek to ensure that development responds to the unique characteristics of the site and its context, and is of a scale and type that safeguards the identity of the villages.

Housing land supply

13. One of the fundamental objectives of the CS is to meet the housing needs of the district's population over the plan period. The plan sets a target of 7700 dwellings to be provided in the district, with a minimum of 880 to be provided in the Leicester Principal Urban Area (PUA).
14. Provision of a wide choice of high quality homes is part of the Government's policy for delivering sustainable development set out in the National Planning Policy Framework (The Framework). The Framework requires local planning authorities to identify 5 years worth of deliverable housing sites against their housing requirements together with a buffer of 5 percent in order to provide a realistic prospect of achieving planned supply.
15. There is no dispute between the appellant and HDC that a 5 year supply of housing land for the District cannot be demonstrated. HDC's Summary of Deliverable Housing Sites Supply dated 31 March 2012 indicates a supply equating to 4.6 years. The appellant suggests this figure is over optimistic. HDC's summary does not include sites on land east of Northampton Road, Market Harborough or land north of Scraftoft Campus. Progress towards development of a scheme for 110 dwellings on the Scraftoft site is evidently being made. However, Planning Permission has yet to be granted pending completion of s106 agreements and the submitted evidence does not indicate that either of these schemes are at present deliverable.
16. Whilst I acknowledge the progress HDC has made in recent months towards meeting its housing land supply target, I conclude that a 5 year supply of deliverable housing land cannot be demonstrated.

Conclusion

17. Paragraph 49 of The Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. And that, relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. Criterion a) of CS2 takes a similar approach in advising that housing development will not be permitted outside Limits to Development unless at any point there is a less than 5 year supply of deliverable housing sites. The clear thrust of these policies is that where there is a less than 5 year supply of housing land, less weight may be given to policies which in effect restrict housing land supply.

18. In view of my conclusion with regard to housing land supply in Harborough District, limited weight can therefore be given to retained Local Plan Policy HS/8 insofar as it seeks to restrict development beyond the settlement boundary. However, neither the CS nor The Framework seeks to promote housing provision at the expense of planning's environmental role which is identified as one of the three dimensions of sustainable development. National policy seeks to protect and enhance the natural environment, recognising the intrinsic character and beauty of the countryside.
19. The proposed development would contribute to meeting the identified shortfall in housing land and provide much needed affordable housing units. The allotments and play area would be a welcome addition to local facilities. I conclude these benefits are not sufficient however in this instance to outweigh the serious adverse effect the proposed development would have on the character and appearance of the countryside.
20. For the reasons given, I conclude on balance therefore that the appeals should be dismissed.

Olivia Spencer

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

Mr N Harris BA(Hons) DUPI	Agent for the appellant
Jeremy Peachey BSc MID CMLI	Pegasus Planning Group

FOR THE LOCAL PLANNING AUTHORITY:

Mrs N Parry	Area Planning Officer
Mr A Eastwood MRTPI	Development Control Manager
Mr S Pointer BA(Hons) BTP MRTPI	Service Manager Strategic Planning
Mr M Bills	Public Spaces Manager

FOR LEICESTERSHIRE COUNTY COUNCIL:

Mr J Prendergast	Principal Solicitor Leicestershire County Council
Andrew Tyrer BA(Hons)	Developer Contributions Officer

INTERESTED PERSONS:

Mr M Lambert MRTPI	Architectural Liaison Officer Leicestershire Police
Cllr S Galton	County and District Councillor
Mrs S Bloy	Clerk to Thurnby and Bushby Parish Council
Mr M Wragg	Local resident
Mr N Renner	Local landowner
Mr D Hair	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Statement by the Highway Authority
- 2 Extract from RLVA February 2011 submitted by the appellant.
- 3 Notes on Policing contribution submitted by Mr Lambert
- 4 Policing contributions submissions submitted by Mr Lambert
- 5 Written submission of Mr J Rosenthal on behalf of the Thurnby and Bushby Society

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