
Appeal Decision

Site visit made on 17 November 2015

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 08/02/2016

Appeal Ref: APP/X2410/W/15/3038204

50A King Street, Seagrave, Loughborough LE12 7LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Chell against the decision of Charnwood Borough Council.
 - The application Ref P/14/1777/2, dated 5 September 2014, was refused by notice dated 27 April 2015.
 - The development proposed is erection of one new dwelling and associated garaging and access requirements.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since submitting the appeal the Charnwood Core Strategy (CS) has been adopted (9 November 2015), which supersedes several policies from the Borough of Charnwood Local Plan 2004 (LP) including Policy ST/1. During the appeal process I provided an opportunity for both main parties to provide comments on this change in policy and have taken the responses received into account.
3. In addition the appellant submitted further comments based upon an appeal decision for another site in Seagrave which was published on 18 January 2016¹. In the interests of fairness the Council was given additional time to respond to the points raised by the appellant. I have taken both main parties' comments into account within my decision.

Main Issues

4. Following the Council's acceptance that the appellant's revised mitigation measures would resolve its concerns regarding the habitat of protected species, the following three main issues remain:
 - the effect of the development on the character and appearance of the surrounding area;
 - the effect of the development on the character and appearance of the Seagrave Conservation Area; and

¹ Appeal Ref: APP/X2410/W/15/3028131

- whether future occupants would have adequate access to services.

Reasons

Character and appearance of the surrounding area

5. The site forms part of the large open and spacious rear and side garden of No 50a King Street, a detached property. Whilst this existing house and the lower part of the appeal site is within the defined settlement development limits of Seagrave, the proposed new dwelling would be outside this boundary. Other properties adjacent to the south and west of the appeal site are within the settlement limits. There is open countryside to the north and east.
6. As identified in paragraph 17 of the National Planning Policy Framework (Framework), the importance of recognising the countryside's intrinsic character and beauty is one of its core principles.
7. I acknowledge that the existing mature boundary hedgerows which run along the northern and eastern boundaries of the site, physically and visually separate the site from the adjacent fields to a degree. However due to the steeply sloping nature of the site, the dwelling would be significantly elevated above King Street and would be visible from several public vantage points, including the adjacent footpath that crosses through fields to the rear.
8. On my site visit I viewed the site from the adjacent footpath and fields. Walking from King Street adjacent to the site, I noticed that the character of the area changes from being urban to open countryside within a very short distance as the footpath leads directly into a paddock with fields beyond. This open and undeveloped character of the area is reinforced by the glimpses of the open and predominantly grassed appeal site through the adjacent hedgerow and field gate. Introducing a large two storey detached dwelling into the appeal site would result in an intrusive projection of development into the countryside, which would adversely reduce the existing spacious countryside character currently experienced in the area. The proposal would also be visually dominant due to its elevated position within the site, adversely impacting on existing views into the village from the footpath.
9. Therefore, taking the above into account, the evidence before me and my observations on site, I conclude that the development would result in significant material harm to the character and appearance of the surrounding area. This would not be in accordance with CS Policy CS11 which seeks development that supports and protects the character of the District's landscape and countryside. It would also conflict with LP Policy ST/2 which seeks to restrict development to within the defined settlement boundaries to prevent harm to the countryside and LP Policies CT/1 and CT/2 which both permit development where there would be no adverse effects including to character and appearance. It would also be contrary to the Framework in this regard.

Character and appearance of the Seagrave Conservation Area

10. The site is located within the Seagrave Conservation Area. The Council's Seagrave Conservation Area Character Appraisal 2010 (Appraisal) defines the main contributions to the special character of the area as including its location in the Wolds within the steep narrow valley, the views of the village from the surrounding footpaths, the quiet streets, the extent of open green space

between houses, streets and around the village and the existence of green verges.

11. The Council's main concern in relation to the conservation area appears to relate to the proposed access. The development would introduce a new access onto King Street, creating a gap in the existing stone wall, bank and hedgerow at the front of the site. On my site visit I saw that there are several driveways directly off King Street leading to dwellings which are set back from the road, including one immediately adjacent to the east. Driveways and access points therefore form part of the existing character of the area. Due to the varied topography of the area there are also varied simple boundary features within the vicinity of the appeal site, including sloping green verges and low retaining stone walls with banks and hedges above. I acknowledge that the creation of a new access would change the appearance of this part of King Street, but this does not mean that it would be harmful, and boundary features are not defined within the Appraisal as main contributors to the significance of the conservation area. The proposed stone walling, planting and hedging on either side of the proposed access, whilst terraced, would generally reflect some existing boundary features within the conservation area.
12. Consequently, taking all the above into account, I conclude that the development would overall have a neutral effect on the character and appearance of the Seagrave Conservation Area and as such this would preserve its significance. The appeal proposal would therefore accord with CS Policy CS14 which requires development to protect heritage assets and their settings and the Framework in this regard.
13. In addition neither the appellant nor the Council consider there would be any harm to the setting of listed buildings within the vicinity including the adjacent grade II listed dovecote at No 50 King Street. Nonetheless, I have had special regard to the statutory duty to pay special attention to the desirability of preserving the setting of these listed buildings. In this respect, due to the development's location and distance from the dovecote and other listed buildings, I am satisfied that it would preserve this interest.

Access to services

14. Seagrave is identified as a small village or hamlet within CS Policy CS1, which sets out the development strategy for the Borough. This states that within the smallest settlements, the Council will "*respond positively to development that meets a specific local social or economic need*", where it is identified by a Neighbourhood Plan or other community-led strategy or the development supports sustainable businesses. No specific local or social need for the dwelling has been demonstrated and the provision of an open market dwelling would therefore not meet the requirements of CS Policy CS1.
15. Furthermore the Council considers Seagrave to be one of the least sustainable settlements within the Borough. The Council's supporting text to LP Policy CS1 indicates that such villages are poor locations for new development, due to less potential to provide for a sustainable community and the Council's strategy for the countryside applies. I recognise that facilities within Seagrave include a first school, church, village hall, public house/shop and an hourly bus service which stops early evening. I understand that the village shop attached to the public house has limited opening hours and was not open at the time of my visit.

16. Whilst I acknowledge that the dwelling would not be in an isolated location, as it would be adjacent to existing properties and those facilities that do exist are within walking distance of the site, there is limited sustainable access to other necessary day to day facilities and services such as a doctor's surgery, secondary school and a post office. Although a bus stop is within close proximity to the appeal site, providing access to larger settlements, I consider the limited hourly service would inevitably result in the future occupiers of the dwelling travelling by private car to access these necessary services and facilities.
17. The appellant has drawn my attention to several planning permissions² and appeal decisions³ for residential development within Seagrave. Several other appeal decisions⁴ within the Borough have also been brought to my attention by the Council. Whilst I do not have full details of the circumstances in each case, most of these applications were determined prior to the adoption of the CS and therefore the decisions were based on a different policy framework. Whilst I recognise that the most recent appeal decision has been determined since the adoption of the CS, I must consider this appeal on its own individual merits and base my decision on the evidence provided, my own observations and the current policy framework.
18. Therefore, taking the above into account I conclude that the development would not provide adequate access to day to day services and facilities and would overall conflict with CS Policy CS1 and the Framework in this regard.

Other matters and the planning balance

19. I note the concerns raised by local residents about the potential harm to living conditions of the occupiers of neighbouring properties including in relation to impact on privacy. However the distances between the proposed dwelling and existing properties would be sufficient so that living conditions would not be prejudiced. Whilst I acknowledge that construction traffic could be disruptive, this would be for a temporary period and could be appropriately managed to reduce any impact. These matters therefore do not weigh significantly against the proposal.
20. Whilst I recognise that the construction of a new house would to some degree support local building trades, this would only be temporary and for only one house and therefore any economic benefit would be minimal. As regards social benefits, an additional house within the village could appear to support the local community and existing facilities, but there is little to suggest that the development of one house would enhance or maintain the vitality of rural communities. Environmentally I have already concluded that there would be material harm to character and appearance of the surrounding area. Combined with the lack of adequate access to services and facilities, I consider that overall the proposal would not constitute sustainable development.
21. The Council considers that the adoption of its Core Strategy demonstrates the existence of a deliverable five year housing land supply, but the appellant points out that the recent appeal decisions referred to above have reached different conclusions. However for the purposes of this appeal, I need only

² Council refs: P/14/0137/2 and P/14/1680/2

³ Appeal refs: APP/X2410/W/15/3004925 and APP/X2410/W/15/3028131

⁴ Appeal refs: APP/X2410/W/15/3006567, APP/X2410/A/14/2229055 and APP/X2410/W/15/3003256

observe that the benefits of one new dwelling would be of small significance in relation to the annually identified housing requirement within the Borough for 820 dwellings. Whilst over the plan period (2011-2028) around 500 dwellings are required within the 'Rest of the Borough' which includes Seagrave, the Council considers that this can be more than provided for through existing completions and commitments, notwithstanding that there is recognition that there is no housing supply limit. Even if I were to conclude there is a shortfall in the 5 year housing land supply, the adverse impacts I have identified would significantly and demonstrably outweigh the limited benefits of the proposal.

22. Whilst I note that the Council's pre-application response and draft planning officer's report appears to have been favourable towards the proposal, the Council's formal decision must be based on all available evidence and consultation responses. It is therefore not unusual for recommendations to change during the planning application process. I too must base my assessment on all the evidence that is before me and only on the planning merits of the scheme.

23. The appellant has raised concerns about the handling of the planning application by the Council. However this would need to be pursued with the Council in the first instance. I confirm in this respect that I have had regard only to the planning merits of the proposals.

Conclusion

24. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Y Wright

INSPECTOR