
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 February 2016

Appeal Ref: APP/X2410/W/15/3130066

64 Brick Kiln Lane, Shepshed, Loughborough LE12 9EL

- 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 T Howlett against the decision of Charnwood Borough Council.
 - The application Ref P/14/1884/2, dated 22 September 2014, was refused by notice dated 1 May 2015.
 - The development proposed is erection of 7 no detached dwellings with associated infrastructure.
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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 H/16. As part of the appeal process I provided an opportunity for both main parties to provide comments on the change in the policy framework. In addition following the publication of another appeal decision on 18 January 2016¹ opportunities were given for both main parties to make any comments. I have taken all responses received on these matters into account within my decision.

Main Issue

3. The main issue as regards this proposed development is whether it would be consistent with the principles of sustainable development having regard to the National Planning Policy Framework (the Framework) and the development plan.

Reasons

4. The appeal site is located outside the settlement boundary for Shepshed and is within the open countryside. It contains several single storey outbuildings previously used as garages and workshops together with areas of hardstanding and trees to the front and stables and an open paddock to the rear currently used for horses. No 64 Brick Lane, a large detached property is located to the south west of the appeal site, with long distance views beyond of the

¹ Appeal Ref: APP/X2410/W/15/3028131

- surrounding open countryside to the north, south and west. There is a public footpath opposite the site entrance which leads along fields to the south west.
5. To the east and south east are two small development sites with planning permission² for the construction of 3 dwellings on each. However these developments have not yet commenced and the decisions were made prior to the adoption of the CS. The appeal site is accessed off Brick Lane down an unmade shared private track. The development would include the erection of 7 two storey detached dwellings with associated garages and off road parking. Whilst the site is within the countryside and not directly adjoining the settlement boundary, the development would not be in an isolated location as it is within close proximity to other houses. The proposal therefore cannot be said to be isolated for the purposes of paragraph 55 of the Framework.
 6. Within CS Policy CS1, which sets out the strategic direction for growth, Shepshed is identified as a town for growth in the Borough, including *'approximately 1,200 homes within and adjoining Shepshed to support its regeneration'*. Whilst the CS states that there are existing commitments for this number of homes, the figure is an approximate one and it is not an upper limit to further development. The Framework supports housing development through the presumption in favour of sustainable development. It then goes on to advise that there are three dimensions to sustainable development: economic, social and environmental which are mutually dependent and should not be taken in isolation.
 7. Economically I recognise that the proposal would provide construction jobs and support local building trades, albeit that this would be temporary and be for a small number of houses. I also acknowledge that the future occupants of the development would be likely to support local businesses. However due to the size of the development I consider such economic benefits would be limited.
 8. In considering the social dimension of sustainable development, CS Policy CS1 also considers Shepshed to be a sustainable location for development as it contains a range of everyday services and facilities associated with a large town. In this regard the appellant has drawn my attention to a 2012 appeal decision (APP/X2410/A/12/2177327) which allowed the development of a large site for up to 75 dwellings off Iveshead Road in Shepshed. Whilst full details of the scheme have not been provided, the findings of that Inspector on the sustainable location of the site is a material consideration, as this site is also in the countryside and in close proximity to the appeal site that is before me. As such the distance to bus stops, local services, facilities and the town centre from the appeal site is broadly similar.
 9. Although there are no pavements along Brick Kiln Lane, I saw on my site visit that this is a fairly quiet road with wide grass verges. Whilst I acknowledge that there is a gentle gradient along the road leading up from the A512, I do not consider overall that this would significantly discourage the majority of future occupiers of the development from walking up and down this lane. And whilst the A512 is an exceptionally busy main road, there is a pedestrian crossing providing safe passage to access the local facilities and services by foot or bicycle. I therefore have no reason to disagree with the findings of the previous Inspector in this regard and find that the appeal proposal would provide adequate accessibility to everyday facilities and services by means

² Council refs: P/13/2009/2 and P/13/2467/2

- other than the private car. As such the proposal would be in accordance with CS Policy CS17 which supports development which promotes sustainable travel.
10. In addition the development would add to the supply of houses within the area and the future occupiers would be likely to support the local community and existing facilities in Shepshed. As highlighted by the Council, the site would not provide affordable housing, but this would be in accordance with planning policy.
 11. In considering the effect on the environment, the Borough of Charnwood Local Plan 2004 (LP) Policy ST/2 seeks to restrict development to within the defined settlement boundaries to prevent harm to the countryside. Whilst this boundary has not been revised in light of the CS and current housing requirements, I note that the policy still forms part of the development plan. In addition LP Policies CT/1 and CT/2 both permit development in the countryside if it meets certain criteria and where there would be no adverse effects including to character and appearance. In addition CS Policy CS11 seeks development that supports and protects the character of the District's landscape and countryside. Furthermore the Framework places great importance on development being of good design and responding to local character to ensure the integration of new development into the existing environment. It confirms that this is a key aspect of sustainable development. I also bear in mind that the Framework seeks to recognise the countryside's intrinsic character and beauty.
 12. Whilst the Council has referred to the site as being within an Area of Particularly Attractive Countryside as defined under LP Policy CT/7, this was not included as a reason for refusal and this policy has now been superseded by CS policies. However the site is within the National Forest and therefore CS Policy CS12 is relevant as this seeks to protect and enhance existing green infrastructure assets including the Charnwood Forest Regional Park.
 13. On my site visit I saw that the appeal site is generally tucked away at the end of the private shared track. There are no significant views of the site from Brick Lane, due to the presence of existing hedges and fencing along the access track. However the proposal would introduce two storey urban development on to what is predominantly a site of rural character. The size and scale of the existing outbuildings and stable blocks are not uncommon in rural areas and the open and spacious paddock appears as an integral part of the surrounding landscape. Introducing two storey development would result in an intrusive projection of development into the countryside, which would adversely reduce the existing spacious countryside character currently experienced within the area.
 14. I acknowledge that the proposal would include the retention of existing hedgerows and there would be significant new hedge and tree planting, which together would provide a degree of natural screening to the site. However based on the evidence before me I do not consider that this would significantly reduce the visual dominance of the development from either the public footpath situated opposite the site entrance or from Pudding Bag Lane which is located a short distance to the rear of the site. Whilst I recognise that this is referred to as a private track, this lane is used to access the local cricket ground.

15. Whilst the design, scale and density of the development would broadly reflect some existing properties along Brick Lane and the adjacent development site, it would not be in keeping with the existing open rural character and appearance of the area and would adversely impact on existing views to and from the village across the wider landscape. I therefore consider that the appeal proposal would significantly project residential development beyond the existing built up area which overall would have a detrimental urbanising impact on the surrounding area. This would result in substantial material harm to the character and appearance of the surrounding countryside and landscape.
16. Consequently despite being within a sustainable location and having some economic and social benefits, overall the proposal would not constitute sustainable development due to its substantial adverse environmental impact. I therefore conclude that a presumption in favour of sustainable development would not apply and the proposal would conflict with the Framework, LP Policies ST/2, CT/1 and CT/2 and CS Policies CS1, CS11 and CS12. It would also not be in accordance with LP Policy EV/1 and CS Policy CS2 which both seek a high standard of design which respect and enhance the character of the area.

Other matters

17. In relation to concerns raised about the additional traffic on the access track, I have no substantive evidence to indicate that the proposal would cause significant harm to highway safety or create substantial noise and disturbance for local residents. Furthermore I note that the Highway Authority does not object to the proposal. Whilst I note the local issues regarding land ownership of the access track, this is not relevant to my consideration of the planning merits of the case.
18. I also have no evidence to suggest that wildlife would be adversely affected, or that drainage could not be adequately provided. Whilst the future occupiers of the houses would be able to see the rear of dwellings along Brick Lane, the substantial intervening distances would ensure that there was no significant overlooking. As regards concerns raised about the existing lighting on the stables this does not form part of this appeal and would need to be raised with the Council in the first instance. Although potential harm to outlook and privacy for the occupiers of neighbouring properties has been raised, 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. Although the above matters do not weigh significantly against the proposal they do not outweigh the harm I have identified.
19. The Council considers that the adoption of its Core Strategy demonstrates the existence of a deliverable five year housing land supply, but the appellant concludes otherwise. For the purposes of this appeal, I need only observe that the benefits of 7 new dwellings would be of small significance in relation to the annually identified housing requirement of 820 dwellings within the Borough and the approximate 1200 over the plan period for Shepshed. 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 benefits of the proposal.

20. In determining this appeal I have also considered other appeal decisions³ within the Borough brought to my attention by the Council and the suggestion that the appeal site is garden land. I note in regards to the latter point that some of the buildings formed part of an old dairy. However these matters are not central to my assessment and do not alter my conclusion on the main issue.
21. The appellant has raised concerns about the handling of the planning application by the Council, including inconsistencies in decisions. However this would need to be pursued with the Council in the first instance. I confirm that I have only dealt with the planning merits of the case.

Conclusion

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

Y Wright

INSPECTOR

Richborough Estates

³ Appeal refs: APP/X2410/W/15/3006567, APP/X2410/A/14/2229055 and APP/X2410/W/15/3003256