



## Appeal Decision

Hearing Held on 1 and 2 October 2019

Site visit made on 2 October 2019

**by K Savage BA MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 December 2019**

**Appeal Ref: APP/X2410/W/19/3221952**

**Land at Maplewell Road, Woodhouse Eaves, Loughborough LE12 8RA**

- 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 JK Land against the decision of Charnwood Borough Council.
- The application Ref P/18/0715/2, dated 29 March 2018, was refused by notice dated 25 October 2018.
- The development proposed is the erection of up to 50 dwellings and associated works.

### Decision

1. The appeal is dismissed.

### Preliminary and Procedural Matters

2. The application was made in outline with only the matter of access to be considered in detail at this stage. I have considered the appeal on that basis and whilst I have had regard to the submitted master plan and landscaping plan I recognise these are for illustrative purposes only.
3. At the Hearing, a signed planning obligation was submitted. I shall return to this later in my decision.

### Main Issues

4. The main issues in this case are:
  - Whether the proposal would provide a suitable location for housing, having regard to local and national policy and guidance;
  - The effect of the proposal on the character and appearance of the area, including landscape impact, the effect on the setting of the locally listed building at 155 Maplewell Road; and the effect on the Woodhouse Eaves Conservation Area (the WECA).

### Reasons

#### *Location for housing*

5. The development plan for the area comprises the Charnwood Local Plan Core Strategy (2011-2028) (November 2015) (the CS) and saved policies of the Borough of Charnwood Local Plan 1991-2006 (January 2004) (the BCLP). Policy CS1 of the CS sets out the settlement strategy for the Borough, where 13,940 new homes are provided for between 2011 and 2028. Around 10,500 of these

homes are to be directed to the Leicester Principal Urban Area and the towns of Loughborough and Shepshed, mainly through planned urban extensions. Another 3,000 homes are planned in Service Centre settlements. Woodhouse Eaves is categorised under Policy CS1 as one of twelve 'Other Settlements' in the fourth tier of the hierarchy, the first bullet point of which sets out will provide at least 500 new homes to meet local social and economic needs between 2011 and 2028 within settlement boundaries identified in the Site Allocations and Development Management Development Plan Document (DPD).

6. The supporting text of the CS set outs that the villages in the Borough generally do not have access to a good range of services or facilities and rely largely on the private car for their day-to-day needs. Where a settlement has four or more key services and facilities, and bus access to a service centre, they are considered to be generally able to meet some day-to-day needs. Woodhouse Eaves is one such settlement. The type of development envisaged for these settlements is small scale, infill development to meet local needs. The supporting text sets out that 'small scale' in this sense means a development appropriate in size for the village and the character of the surroundings.
7. The Borough Council has confirmed that it no longer intends to produce a DPD, instead pursuing a full local plan review. As such, settlement boundaries which would have been set out in this document have not been produced. Therefore, for the purposes of determining the proposal, the settlement boundaries of the BCLP remain in place.
8. Within Policy CS1, the second bullet point under 'Other Settlements' states that the Council will respond positively to proposals for small scale development within defined limits. I accept the appellant's points that, as worded, the policy does not permit only small scale developments. However, it is evident from the supporting text of the policy at Paragraph 4.50 that it is small scale infill development, defined as that appropriate in size for the village and in the character of the site's location and its surroundings, that the Council envisages for Other Settlements. This is understandable given the overall quantum and percentage of development expected to take place in the Other Settlements, which are lower in the hierarchy for a reason, given their size and levels of service provision. The size of the proposed development at 50 dwellings, and its location at the edge of the village, mean it could not reasonably be described as either 'small scale' or 'infill'. Irrespective of this, the appeal site lies beyond the existing settlement limit of the village and due to its location, the proposal would not achieve either of the first two bullet points under the 'Other Settlements' section of Policy CS1.
9. Policy CT/1 of the BCLP states that development outside defined limits to development will be strictly controlled, with certain exceptions related to agriculture, the rural economy, leisure, recreation, minerals, transport, public services or utilities, none of which would apply to the present scheme. Policy CT/2 additionally requires development supported under Policy CT/1 to not harm the character and appearance of the countryside and to safeguard other interests. Given the site's location and the nature of the proposed development, there would also be conflict with these saved policies.
10. The Council points out that the 500 homes identified for the 'Other Settlements' under Policy CS1 have already been exceeded through constructed schemes or those granted planning permission. The appellant

contends that this is not a maximum figure, and that the majority of those dwellings granted were approved in only three of the Other Settlements – Hathern, Queninborough and East Goscote – at a time when the Council was unable to demonstrate a five year supply of deliverable housing land. As such, the appellant argues that the dwellings in the Other Settlements have been approved to accommodate a shortfall in housing delivery across the Borough, rather than to meet the social and economic needs of the Other Settlements.

11. Thus, the appellant's position is that the proposal would address unmet local social and economic needs in Woodhouse Eaves. The appellant's evidence includes a breakdown of the Other Settlements by population and the number and type of facilities each provides. The indication from this is that the Woodhouse Eaves, based on its proportionate population and facilities, might be expected to accommodate between 49 and 79 of the 500 homes planned for Other Settlements under Policy CS1. However, Policy CS1 does not specify how new development is to be distributed between the Other Settlements. Whilst the parties differ on the exact figure, the appellant accepts that at least 580 homes have already been approved in Other Settlements, and the quantitative ambition of the policy has already been achieved.
12. In terms of specific local evidence of need, I was directed to an assessment<sup>1</sup> undertaken in 2014 which identified a need for 16 affordable dwellings and 11 open market dwellings across the parish of Woodhouse and Woodhouse Eaves. A recent appeal decision<sup>2</sup> in May 2018 found that 12 market dwellings had been granted since the date of the survey. The appellant accepts from this that there is not an identified need for market dwellings in Woodhouse Eaves at a local level, though a need for affordable housing still appears to exist.
13. In terms of scale, the proposal would add 50 homes to a village of some 710 dwellings, an increase of just over 7%. Given the levels of housing need for the village in 2014 were just over half of the amount of housing now proposed, it seems to me that 50 dwellings in a single development, given this context, would be a significant extension of the village. Moreover, I was told that, overall, some 38 dwellings have been granted within Woodhouse Eaves since the start of the plan period in 2011. This suggests that the village has not been deprived of development to meet local needs in recent years, but has seen a proportionate amount of homes added in line with the spatial strategy.
14. Woodhouse Eaves has a number of services which adds to the vibrancy of the village, and which I was told benefit from visitor trade, particularly walkers on the Leicestershire Round, a popular 100km walking route around the county. However, the village is classed as an Other Settlement as these facilities are deemed to be insufficient for meeting the everyday needs of its residents, who need to travel to larger settlements such as Loughborough or Leicester for work, education, leisure and shopping purposes. A further 50 dwellings would take Woodhouse Eaves' contribution to the housing supply since the start of the plan period to 88 dwellings, in excess even of the appellant's upper estimates of its potential capacity for development. Contrary to the appellant's assertions, I consider that to permit another 50 dwellings would not serve to rebalance the distribution of housing across the borough, but would add to the percentage of housing Other Settlements are delivering, placing a burden on these settlements which lack the requisite facilities to support such levels of

---

<sup>1</sup> A Detailed Investigation into the Housing Needs of Woodhouse & Woodhouse Eaves; Midland Housing, May 2014

<sup>2</sup> APP/X2410/W/18/3194886

additional housing and which would therefore run contrary to the overall aims of the spatial strategy to direct the greatest amount of development to established urban centres.

15. Taking these considerations together, I find that the proposed development would not meet an identified social or economic need for housing in Woodhouse Eaves and would be of a scale and location which would run contrary to the spatial strategy of the borough. As such, the proposal would not represent a suitable location for housing and would conflict with Policies CS1 of the CS and saved Policies CT/1 and CT/2 of the BCLP. Though not cited in the Council's reason for refusal, there would also be conflict with saved Policy ST/2 of the BCLP, which establishes the limits to development and seeks to restrict development beyond those limits to prevent harm to the countryside or other rural interests.

### *Effect on Character and Appearance*

#### *Landscape Impact*

16. The site lies to the southern side of Woodhouse Eaves on one of the main roads into and out of the village and comprises two agricultural fields laid to grass with a central, dividing hedgerow. Maplewell Road rises when leaving the village, sweeping to the right around the frontage of the appeal site and past an adjacent short terrace of dwellings. The alignment of the road and intervening vegetation and buildings mean the site is not especially prominent when travelling along Maplewell Road until the site is reached. From here, however, the steeply rising land of the site is clearly visible, with areas of prominent woodland high on the hilltop.
17. The appeal site and surrounding land is not designated as a 'valued landscape' as defined by the Framework, nor otherwise valued at a national or regional level. However, interested parties have argued that the area is important locally given the presence of extensive footpaths around the site, including through the Broombriggs Farm Country Park (the BFCP) from where the site would be prominent in panoramic views from the higher ground, along with views from those roads and footpaths forming part of the Leicestershire Round.
18. The site does lie within the Charnwood Forest Landscape Character Area (LCA), of which the key characteristics include a landscape mosaic of pasture, frequent woodland and exposed hilltops of acidic grassland with rocky outcrops. These characteristics were evident to me when I viewed the site. The site is also washed over by the National Forest.
19. The appellant has produced a Landscape and Visual Impact Assessment (LVIA) which assesses the sensitivity of the site as medium, based on having some landscape and scenic quality, it being representative of the local setting, and having a degree of tranquillity in its undeveloped state, but with low rarity value and no recreational or historic associations. The Council puts the sensitivity at medium-high, pointing to its physical and visual connectivity to the BFCP and thus its contribution to the recreational and perceptual experience of walkers using the permissive paths. Having seen the site's proximity and visibility from these permissive paths, I consider that there is value in the site's contribution to countryside views from footpaths within the surroundings.

20. Contrary to the appellant's view, I do not consider the site lies within the perceived extent of the village. The terraced properties at 166-178 Maplewell Road are clearly detached from the main built-up area and have a discernibly rural form and character. From my observations, the site lies beyond the built-up area where a demonstrably rural character takes over. This rural impression is reinforced when walking the permissive footpaths which lead from Maplewell Road to the higher ground of the BFCP. At the site visit, I observed the site from a number of the viewpoints identified in the appellant's LVIA as well as taking in the continuous views whilst walking the paths and saw the site forms part of expansive tracts of countryside surrounding the village which become apparent when walking behind the linear development on Maplewell Road to the higher ground of the BFCP.
21. The proposed layout and landscaping plans are indicative. Nevertheless, they provide a reasonable illustration of the likely extent of the development to consider its possible effect on the landscape. The proposed development would extend considerably deeper from the road than nearby development and would rise up the hillside. I saw that the dwellings would be seen from the permissive paths travelling in either direction, but would become more noticeable as one rises to higher ground. The proposal would introduce a significant scale of new development which would contrast strongly with the narrow linear development which characterises Maplewell Road travelling out of the village.
22. This linear development is surrounded by mature landscaping which helps to embed it in views from the higher ground and softens the transition from built-up area to countryside at the edge of the settlement. The proposed development would replace this with a more intensive, suburban form of development which would significantly extend the physical extent of the settlement to include the rural terrace of 166-178 Maplewell Road and the building opposite at No 155.
23. In terms of visual impact, the appellant's LVIA identifies a high magnitude of change and major/moderate adverse effects at the outset at Viewpoint 6 on Maplewell Road in front of the site. The openness of the land at this point and visibility to the hilltop would change fundamentally. An expanse of dwellings would span the site and step up the hill, impeding views of the countryside as one emerges from the village. The LVIA assesses the impact from Viewpoint 6 at Year 10 to be moderate adverse once landscaping matures; however, while this would reduce the starkness of a new development, it would not mitigate for the loss of views of the open countryside.
24. There would be a similar effect at Viewpoint 5 when emerging from the public footpath next to No 155 as part of the Leicestershire Round route. Here, the LVIA identifies a moderate adverse impact both at Day 1 and at Year 10, indicating that landscaping would have limited effect in mitigating the visual impact of the proposal. Similar assessments of impact are made for Viewpoints 8 to 13 on the permissive paths. To my mind, this indicates that proposed landscaping would have limited effect in integrating the proposal into its surroundings and it would remain prominent in the landscape in the long term.
25. Taking these considerations together, the proposal would result in development where there presently is none and would fundamentally change the rural character of the site, resulting in an intrinsic loss of open countryside to a suburban form of development which would extend the village in an



uncharacteristic manner and scale. Whilst I accept that the visual effects would be localised, they would nevertheless be harmful to the landscape character of the area. Therefore, there would be conflict with Policy CS11 of the CS which requires new development to protect landscape character and reinforce sense of place and local distinctiveness by taking account of relevant local Landscape Character Assessments. The proposal would also conflict with the Framework's recognition of the intrinsic character and beauty of the countryside. There would also be conflict with the guidelines of the Woodhouse Eaves Village Design Statement which state that care should be taken to retain views of the countryside that emphasise the sense of landscape, space and openness.

*Effect on setting of locally listed building*

26. 155 Maplewell Road is a detached residential building standing opposite the appeal site. It is locally listed by the Borough Council and considered to be a non-designated heritage asset. The appellant's Built Heritage Technical Note indicates it to have limited heritage significance, mainly related to architectural interest through its built form, being an example of an early twentieth century gentleman's residence comprising a modest detached dwelling, extended over time, which reflects Arts and Crafts design principles and is constructed in vernacular materials.
27. Its setting is described primarily with reference to its gardens to the south and east and the orientation of the principal elevation towards the gardens and away from Maplewell Road. The appellant acknowledges that the appeal site and terrace of dwellings opposite form part of its wider setting, but it is argued that, due to the building's orientation, these aspects make only a secondary contribution in understanding its location, rather than forming part of a designed view from or to the house.
28. I acknowledge that the countryside to the east forms part of the principal views from the building and so is more important to its setting. Nevertheless, the dwelling was built with rural surrounds to all sides and remains so. The appeal site is immediately opposite No 155 with clear intervisibility between the two. As set out above, the proposal would extend the built form the village significantly along Maplewell Road and would effectively bring No 155 within the limits of the settlement. In this respect, the proposal would detract from the mainly open, undeveloped setting of the dwelling, diminishing its longstanding presence and independence in its surroundings and so would harm its significance as a non-designated heritage asset.
29. Paragraph 197 of the Framework states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The building, though of local significance, does not possess wider importance in heritage terms. In light of this, and that the proposal would not directly affect the building itself or the most important aspects which contribute to its setting, I conclude on this issue that the harm arising from the adverse effect on its setting should be afforded limited weight in the overall planning balance.

*Effect on Woodhouse Eaves Conservation Area*

30. The Borough Council did not make a finding of harm with respect to the character and appearance of the WECA; however, the Woodhouse Eaves Parish

Council and interested parties have made sustained objections to the proposal in representations and at the Hearing. Those objections relate not to any visual impact, which all parties accept would not occur given the distance from the site to the nearest boundary of the WECA and the lack of intervisibility between them. Rather, the concerns relate to the effect on the character of the WECA from increased traffic generated by the proposal.

31. From walking around the WECA and along Maplewell Road to the appeal site, parked cars and traffic are a noticeable feature. Evidently, there are times when traffic increases, such as during the morning and evening peaks, which include the school pick-up and drop-off times. I observed this for several minutes on the morning of the site visit but saw that even at its busiest, there were noticeable gaps between vehicles, such that I did not find traffic to be a significantly detracting feature of the WECA at these times.
32. Whilst I understand the concerns of the Parish Council and local residents, the present level of traffic is unrelated to the proposal. The appellant's Transport Statement (TS) estimates that the appeal scheme would add less than one additional vehicle per minute to the local highway network, and of the additional traffic, only 28% of it would travel through the WECA. The majority of traffic would travel south towards the Leicester area. I have no evidence to contradict these estimates. Therefore, I find that traffic from the proposal would not demonstrably increase the prevalence of traffic within the WECA beyond existing levels, and so would not materially harm its character or appearance or further detract from its significance as a heritage asset.

### **Other Matters**

#### *Planning Obligation*

33. A signed and dated planning obligation has been submitted by the appellant. This provides for 40% on-site affordable housing and financial contributions towards provision of bus passes, travel packs and increased capacity at the local civic amenity site, library and doctor's surgery. It also provides for financial contributions toward primary and secondary education places and transport arising as a result of the development.
34. I am satisfied that each sought obligation meets the tests set out in Paragraph 56 of the Framework for planning obligations, which reflect those set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations (2010). As a result, I have taken the completed agreement into account.

#### *Highway Safety*

35. The concerns raised by the Parish Council and interested parties include worsening traffic on Maplewell Road due to parked cars reducing traffic to a single lane, requiring cars to pull in multiple times to let other vehicles pass. I was told such situations were worsened when larger vehicles such as buses or bin lorries attempt to use the road as some vehicles are forced to mount the footpath to negotiate past other vehicles, which creates hazardous conditions for pedestrians, including parents and children going to and from the local school.
36. It is apparent from the several sources of evidence put to me, including photos and videos, that traffic problems exist at certain times along Maplewell Road and other parts of the village. However, these are existing problems. It is not

required of a proposal to address existing problems within the local highway network, but to address any direct effect the proposal would have on it. In this respect, I note that the appellant's TS concluded that the levels of traffic generated by the development would be within the level of flow change which occurs daily on the local highway network, and therefore the development would not result in a material impact. The Local Highway Authority did not raise objection to the proposal, stating that residual cumulative impacts of development can be mitigated and are not considered severe, in line with the relevant test of the Framework.

37. I recognise that the concerns of local residents are genuine, and that certain incidents underlie those concerns. However, perceptions of how significant the traffic generated by a development will be can differ greatly and the purpose of documents such as the TS is to provide quantifiable evidence of the expected impact of the development to enable an objective conclusion to be reached. In this case, the additional volume of traffic would not be significant when considering almost three quarters of it is predicted not to travel through the village but away from it to the south.
38. Therefore, having regard to the evidence before me, and taking account of my observations on site, I am not led to conclude differently to the Borough Council and find there would not be material harm in respect of highway safety.

#### *Provision of Public Open Space*

39. The appellant's plans indicate that an area of land outside the red line of the appeal site, but within the same ownership, would become an area of public open space as part of the development. The Borough Council and Parish Council raised at the Hearing that no mechanism for the delivery of such a facility had been put forward, as it did not form part of the submitted planning obligation, and that a condition would not be sufficient. I have noted suggested conditions sent by the appellant following the Hearing intended to secure a landscape strategy and management plan, upon which the Borough Council has commented. Whilst landscape is a reserved matter, if I am to give weight to proposed public open space as a benefit, it is necessary that the principle, if not the detail, is secured as part of the outline permission. I am satisfied that a Grampian style condition could be formulated to secure delivery and retention of off-site works. Therefore, I have taken the proposed public open space into account in the planning balance.

#### *Other concerns raised*

40. I have had regard to other concerns raised in correspondence and at the Hearing by interested parties, beyond those encapsulated by the main issues or otherwise addressed above. However, none of these concerns are significant enough to alter my conclusions on the main issues or weigh materially for or against the proposal in the planning balance and so it is not necessary to address them further.

### **Planning Balance**

41. Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. Part d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted



unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

42. In these respects, I am referred to a recent appeal decision at East Goscote<sup>3</sup> where the Inspector considered the weight to be given to the same policies as are at issue in this case. In this decision, reference is made to the High Court judgement in *Wavendon*<sup>4</sup> which states that in considering whether the policies which are most important for determining the application are out-of-date under Paragraph 11(d), it is necessary to identify each policy and consider if it is out-of-date, and then to examine the entire 'basket' of policies to determine if, taken together, they are out-of-date for the purposes of the Framework.
43. I regard the most important policies in this case are Policy CS1 and saved Policies CT/1, CT/2 and ST/2. The appellant contends that saved Policies CT/1 and CT/2 are out of date, as they were proposed to be reviewed when the CS was adopted, but this has not occurred. An appeal decision is referred to in support of this position.<sup>5</sup> I accept that these policies, and saved Policy ST/2, predate the CS and the Framework and were formulated at a time when different housing targets existed. As such, they are out-of-date as they are not entirely consistent with the Framework approach to the delivery of housing or protection of the countryside.
44. The appellant also contends that Policy CS1 is out-of-date, notwithstanding arguments that the proposal complies with the policy. The appellant states that the Council is failing to meet its housing targets as evidenced by figures contained in the Housing and Economic Development Needs Assessment (HEDNA)<sup>6</sup>. However, the Borough Council indicates that the HEDNA was prepared to inform a county wide non-statutory Strategic Growth Plan and has no status as part of the development plan, nor was it undertaken in accordance with the latest government guidance, and though a possible part of the evidence base for the new local plan, this is subject to change. In addition, the projections made are for different plan periods which are not directly comparable to the CS plan period. These factors limit the weight I afford to the HEDNA figures.
45. The appellant further argues that delays in the delivery of the sizeable quantities of housing planned for the three urban extensions means large numbers of housing will need to be provided elsewhere to achieve the Borough's overall housing targets. However, I note that the Borough Council's Annual Monitoring Report (2018) identifies only a modest shortfall in housing completions against targets and that permissions exist to recover any undersupply over the whole plan period. The CS is relatively recently adopted and was prepared in accordance with the 2012 Framework. Notwithstanding the appellant's arguments, it is not disputed that the Borough Council is now able to demonstrate a 5 year supply of deliverable housing land.

---

<sup>3</sup> Ref APP/X2410/W/18/3214382

<sup>4</sup> *Wavendon Properties Limited c SSHCLG and Milton Keynes Council* [2019] EWHC 1524 (Admin)

<sup>5</sup> Ref APP/X2410/W/17/3190236

<sup>6</sup> Leicester and Leicestershire Authorities and the Leicestershire Enterprise Partnership (January 2017)

46. The appellant asserts that the Borough Council's failure to produce a DPD has undermined the application of the spatial strategy under Policy CS1 as the local needs of some of the Other Settlements have not been met. However, the policy is clear that only a very small proportion of overall housing development is intended to be directed to the Other Settlements. Whilst updated settlement boundaries have not been prepared, the policy contains other relevant criteria against which the proposal can still be effectively considered. The approval of dwellings in excess of the minimum of 500 shows that the aim of the policy has been achieved effectively. As such I am not persuaded that the policy is out-of-date on this basis.
47. On the evidence before me, I find that the spatial strategy set out in Policy CS1 is not out-of-date. In considering the 'basket' of policies, I share the views of the Inspector in the East Goscote appeal that Policy CS1 is the most important in that it sets out the overall principles of the spatial strategy and the criteria for assessing the compliance of proposals in each tier of the hierarchy, and the definition of the settlement boundary is only one aspect of the assessment of a proposal's compliance with the policy. For these reasons, I conclude that the 'basket' of policies is not out-of-date for the purposes of Paragraph 11(d) of the Framework. Given this, and the Borough Council's ability to demonstrate a five year supply of deliverable housing land, the 'tilted balance' is not engaged in this case, and the proposal falls to be determined against the development plan, taking account of other material considerations.
48. The proposal would deliver distinct benefits, principally the provision of up to 50 dwellings which would support the national objective to increase the supply of housing and would make a contribution to achieving and maintaining the Borough Council's overall housing supply. However, given that a five year supply of deliverable housing sites can be demonstrated, this benefit would attract only moderate weight. The provision of up to 40% affordable dwellings, notwithstanding this is a policy requirement and the Council states that it is meeting its overall requirements in respect of affordable housing across the borough, is a further important benefit which would address an identified need in Woodhouse Eaves and attracts significant weight.
49. In addition, there would be moderate economic benefits from the construction of the dwellings, though this would be a temporary benefit, and from subsequent use of local services by future residents. There would be minor environmental benefits from additional tree planting across the site and biodiversity enhancements. The proposed public open space would offer a recreational benefit, though I consider this would be limited given its location on high and steeply sloping land which would limit access for some people.
50. Set against these benefits, there would be significant harm arising from the conflict with the Borough's spatial strategy, from large scale development in a lower order settlement which lacks the requisite facilities and which would encourage additional car-based travel to larger urban centres, and where the housing growth aspirations for such settlements have already been met. As such, the proposal would amount to an unsustainable form of development. In addition, there would be significant environmental harm due to the intrinsic and permanent adverse effect on landscape character and additional limited harm to the setting of a locally listed building. The loss of some best and most versatile agricultural land would be a further minor economic harm.

51. Other issues where no material harm has been identified, or where impacts could be suitably addressed through a condition or undertaking, including neighbours' living conditions, highway safety, flood risk and drainage, education, libraries, healthcare, waste and public transport, would be neutral in the overall planning balance.
52. In my judgement, the benefits of the proposal, taken together, would not amount to material considerations which would outweigh the identified conflicts with the development plan and would not justify a decision being made other than in accordance with the development plan, taken as a whole.

### **Conclusion**

53. For the reasons given, therefore, the appeal is dismissed.

*K Savage*

INSPECTOR

Richborough Estates

## APPEARANCES

### FOR THE APPELLANT:

Satnam Choongh  
Michael Robson  
Richard West  
Alaistair Macquire CMLI  
Hannah Hamilton-Rutter  
BA(Hons) MA AssocIHBC

Counsel, No5 Barristers Chambers  
Cerde Planning  
Cerde Planning  
Aspect Landscape Planning  
RPS

### FOR THE LOCAL PLANNING AUTHORITY:

Patrick Reid BA(Hons) MRTPI  
Nola O'Donnell MAgSc Dip (Hons) LA CMLI

Principal Planning Officer  
Senior Landscape Officer

### INTERESTED PERSONS:

|                    |                                                  |
|--------------------|--------------------------------------------------|
| Lizzie Marjoram    | Woodhouse Eaves Parish Council                   |
| Deborah Taylor     | Woodhouse Eaves Parish Council                   |
| Ann Irving         | Woodhouse Eaves Parish Council                   |
| David Snartt       | Member, Charnwood Borough Council                |
| Neil Davidson      | Local Resident/Neighbourhood Plan Advisory Group |
| Stephen Peatfield  | Local Resident                                   |
| Philippa Lurlock   | Local Resident                                   |
| Judith Boyd        | Local Resident                                   |
| Roger Collins      | Local Resident                                   |
| Tricia Shakespeare | Local Resident                                   |
| Merrin Pearce      | Local Resident                                   |
| Cathy Schou        | Local Resident                                   |
| Kate Moore         | Local Resident                                   |
| Jim Horne          | Local Resident                                   |
| Mark Temple        | Local Resident                                   |
| Geoffrey Cooch     | Local Resident                                   |
| Mark Whitmore      | Local Resident                                   |

### DOCUMENTS SUBMITTED AT THE HEARING

1. Representation by Astill Planning on behalf of Local Residents dated 30 September 2019
2. Copy of Representation of Cllr David Snartt

### DOCUMENTS SUBMITTED AFTER THE HEARING

1. Copy of email correspondence between appellant and LPA dated 2 October 2019 to 10 October 2019 in respect of proposed wording of conditions.
2. Copy of email from LPA dated 10 October 2019 in response to the preceding correspondence in respect of proposed wording of conditions.