



Appeal Decision

Site visit made on 10 May 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 22 July 2022

Appeal Ref: APP/K2420/W/22/3290863

Land north, Nailstone Road, Barton in the Beans, Nuneaton CV13 0PU

- 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 Mrs Anne Kitching against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 21/00640/OUT, dated 13 May 2021, was refused by notice dated 16 August 2021.
 - The development proposed is the erection of ten bungalows (outline – access only).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline permission is sought but with access to be considered at this stage. I shall determine the appeal on that basis.
3. I have taken the appellant's name from that provided on the appeal form as this more accurately identifies the appellant.
4. The appellant refers to the Emerging Local Plan for 2020-2039 in relation to a potential housing allocation which I have addressed in 'Other Matters'. The appellant has also included policy extracts from the emerging local plan in the Final Comments, but I have received no documents associated with this. Given the early stage in preparation, and lack of evidence presented to me in relation to unresolved objections to it, I afford the Emerging Local Plan little weight.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the appeal site would be a suitable location for the proposed development having regard to the settlement strategy for the area and accessibility to services and facilities.

Reasons

Character and appearance

6. The appeal site forms part of an undeveloped field used for grazing, located to the north of Nailstone Road and adjoins the easternmost part of the hamlet. The settlement is largely linear in form running along Main Street and Nailstone

Road with a surrounding rural, farmland context of undeveloped fields with the occasional clusters of buildings, generally as part of a farm complex.

7. The field as a whole is relatively flat, enclosed by mature hedges and surrounded to the north and east by open countryside. The appeal site forms the westernmost part of this field and has a frontage to Nailstone Road, extending around the rear of residential properties on Nailstone Road to adjoin a boundary with Barton Court. Whilst the site is largely screened from Nailstone Road by the tall hedge, views of the site are obtained when approaching from the east and it contributes to the rural setting of the hamlet.
8. Although there is no indicative layout or details of scale beyond their description as bungalows, given the size of the site, access layout and number of units proposed it is likely that the development would extend from Nailstone Road deep into the site presenting a wedge of development at the entrance to the village. This is in contrast to the largely linear form of the existing settlement which currently provides a softer transition between the built-up area and countryside and has clearly defined boundaries.
9. The formation of the access off Nailstone Road would remove a section of the roadside hedge, exposing the domestic appearance of the site and allowing clear views of the depth to the development. A cluster of ten bungalows in this location would be largely alien to the distinctive local characteristics of the area, disrupt the rural character and setting of the hamlet, and would extend urbanising development out into the countryside, beyond well-established boundaries. Even with sensitive design and additional landscaping, on the basis of the evidence before me, the development would not assimilate with its surroundings or be well contained.
10. The proposed development would therefore have a significantly harmful effect on the character and appearance of the area. It would be contrary to Policies DM1, DM4 and DM10 of the Hinckley and Bosworth Site Allocations and Development Management Policies DPD (SADMP) (2016) which amongst other things seek to protect the intrinsic value, beauty and landscape character of the countryside. It would also be contrary to Paragraph 130 of the 2021 National Planning Policy Framework (the Framework) which requires development to be sympathetic to local character, including the surrounding built environment and landscape setting.

Location of development

11. Core Strategy Policy 13 identifies Barton in the Beans as a rural hamlet where limited housing development within settlement boundaries is supported (subject to CS Policies 15 and 16). The site lies adjacent to but outside the clearly defined settlement boundary, as currently defined, and there is therefore no support to the appeal scheme under this policy.
12. Core Strategy Policy 17 states that in rural hamlets, small scale developments that meet a local need through Local Choice or a Rural Exceptions Site for housing, adjacent to the settlement boundary, will be permitted subject to the development meeting set criteria. For a Rural Exception Site, the development must be exclusively for the provision of affordable housing.
13. Policy DM4 (SADMP) aims to safeguard the countryside and to protect it from unsustainable development. The exception categories allowed by this Policy are

primarily intended to support appropriate rural economic, outdoor sport and recreation proposals, subject to no significant adverse effects on character and appearance, preserving open character between settlements and controlling ribbon development. The site would not comply with any of the exception categories and therefore the policy offers no support to this scheme.

14. Some local data has been sourced to make a case for a local need for elderly persons housing, but it is not specific to this community. I regard this level of detail as a perceived local need rather than one based on a well-evidenced and up to date Needs Survey or Parish Plan which the Policy requires. Furthermore, there is no supporting information to suggest that Registered Providers have been approached prior to the submission of the application to demonstrate support for a rural housing scheme. Concern has also been expressed over the likely interest from Registered Providers given the site's rural location and lack of local services.
15. Furthermore, CS Policy 17 also requires evidence that the need cannot be met within the settlement boundary of the village and no information has been submitted with this regard.
16. Despite the description of development proposing the erection of ten bungalows, the Design and Access Statement describes the scheme as a hybrid rural exception site combined with retirement accommodation. The Section 106 Agreement signed by the appellant indicates that only four of the ten dwellings would be affordable. The appellant is therefore not proposing a solely affordable housing development.
17. Therefore, taking into account the lack of an adequately defined local need, the failure to explore sites within the settlement boundary, and the scheme not being classed as a Rural Exception Site it would therefore not comply with CS Policy 17.
18. Barton in the Beans is a rural hamlet with limited services and public transport and is one of the least accessible locations in the settlement hierarchy. There would therefore be a reliance on the use of private motor vehicles. The site may not be isolated from other dwellings, but the distance from services and facilities would make it a particularly challenging location for elderly people. Some functions such as online shopping and home-working may limit the need for travel, but with the development aimed at people of retirement age, there would be no nearby facilities for shopping or health, or for their social and cultural wellbeing.
19. For the reasons given, the development would not be a suitable location having regard to the settlement strategy for the area and accessibility to shops and services. The proposal would be contrary to CS Policies 13 and 17, and SADMP Policy DM4. These policies require development to be appropriately located and for the countryside to be safeguarded from unsustainable development. It would also be contrary to the principles of sustainable development in the Framework.

Other Matters

20. The circumstances surrounding the appeal decision at Wykin Lane, Stoke Golding, Nuneaton, are very different from those considered in this appeal. This site was for a much larger scale of residential development bringing

significantly greater benefits and was also on the edge of a larger settlement with a greater provision of facilities and services.

21. The potential housing site at North Barton Road, Barleston relates much larger number of dwellings which would contribute more to housing land supply. This site is also identified as a potential housing allocation in the emerging Local Plan 2020-39 and the committee report noted that only limited weight could be given to this draft allocation due to the early stage of the plan preparation. I have not been advised that this site has gained planning permission. I therefore cannot draw any direct comparisons with the appeal site.
22. I have had regard to other matters raised including highways and ecology. However, as I am dismissing the appeal on the main issues for the reasons given above, I have not pursued these matters further.

Planning Balance

23. The Council cannot demonstrate a five-year supply of housing land and the policies most important for determining the application are out-of-date. Paragraph 11d)ii of the Framework confirms that planning permission should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.
24. I have found that the proposal would result in significant and permanent harm to the character and appearance of the area. This falls contrary to the Framework's approach to recognising the intrinsic character and beauty of the countryside and attracts significant weight. It would also give rise to harm to the development strategy, undermining the plan led approach endorsed by the Framework, a matter which carries significant weight given the remoteness of the site to services and facilities.
25. The proposed development would provide ten dwellings that would add to the Council's housing stock and meet with the Government's aims to boost the supply of housing. This would be an important but relatively limited additional contribution to housing figures and be a modest benefit. I also recognise that windfall sites can make an important contribution to housing land supply. There would also be some benefits to the local economy through the short-term construction of the dwellings, creating jobs and demand for services and materials. However, these benefits would also be modest.
26. The appeal proposal would also bring some social benefits to the community, including those which would be forthcoming under a Section 106 Agreement. This document states that all dwellings shall be occupied by persons aged 55 years and over, with 1 dwelling in shared ownership and 3 dwellings would be affordable housing for rent. No Registered Provider has been identified and the Council has not commented on this document. Affordable housing provision weighs in favour of the scheme on the basis of the agreement being complete, but this is limited given the number of units. I have also considered that providing housing for the elderly may also free up some larger homes for others and allow them to remain in the community, but there is inadequate evidence to support these statements.

27. Even if I agreed with the appellant with regard to affordable housing targets and that there is a growing ageing population across the Borough, the case for housing need has not been adequately made.
28. I note in the appellant's Final Comments that reference is made to the emerging Local Plan and a statement that a high proportion of elderly people are in the rural area around Barton in the Beans. Although I have no substantive evidence of this, the extracts included do not give a justification for providing more housing for elderly people in such a rural location. To the contrary, the reference recognises the challenges of accessibility, rural isolation, and concerns over the adequacy of services.
29. Environmentally friendly design features would improve the green credentials of the proposed development, so too would high-quality design and sensitive landscaping, but as this development is in outline form, I have no details and, in any event, this would not counteract the poor accessibility of the site, the need for occupants to travel to access facilities and services, and reliance on private motor vehicles.
30. I have found significant conflicts with the development plan when taken as a whole and I consider that the relevant policies are broadly consistent with the Framework and therefore carry great weight. Consequently, even taking into account the housing land supply position, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits of the proposal. Therefore, the proposal would not be a sustainable form of development.

Conclusion

31. For the reasons given above, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised I therefore conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR