



Appeal Decision

Site visit made on 12 September 2023

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2023

Appeal Ref: APP/K2420/W/23/3319400

Spring Hill Farm, Wood Lane, Higham On The Hill, Leicestershire CV13 6AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Stew_Goddard against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 22/00776/FUL, dated 11 August 2022, was refused by notice dated 11 January 2023.
 - The development proposed is dwelling with associated access.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The name of the appellant in the header above is taken from the application form. On the appeal form, the appellant details are given as Mr and Mrs D Stew_Goddard but under the terms of section 78 of the Act the right to lodge an appeal extends only to the planning applicant.

Main Issues

3. The main issues are (i) the effect of the development on the character and appearance of the area, (ii) whether it would be an efficient use of land, and (iii) whether it would be in a suitable location having regard to the policies of the Council's Site Allocations and Development Management Policies DPD 2016 (SADMP), its Core Strategy 2009 (CS), the National Planning Policy Framework (the Framework) and accessibility.

Reasons

Character and appearance

4. The site is mainly open grassland with areas of scrub. Mature trees and bushes are around a pond in the southwest corner and along the western and northern edges of the site. A drive from Station Road leads to a small hardstanding area, a garage, a shed, polytunnels and a greenhouse all in the southeast corner.
5. The boundary vegetation obstructs views from the site of the adjacent stud farm to the west and the trading estate to the north. The eastern boundary is more open and so the backs of Station Road residences are visible with rear windows facing onto the site. Also, a dwelling called Spring Hill is on higher ground to the south and is seen from the field. From these properties there are attractive views onto and across the site towards the mature trees.

6. The adjacent properties and boundary vegetation provide a degree of enclosure to the site. Even so, the sizeable, grassed area with mature trees and hedges provides the field with a rural character and appearance that is distinctly different from the adjoining residences. The plot adjoins the built up extent of Higham On The Hill but it appears as part of the countryside.
7. While it would be single storey, the proposed dwelling by virtue of its land coverage and its volume would reduce the openness of the plot. Also, the house, the new access drive, associated parking and domestic paraphernalia would create a more residential feel to the site, notwithstanding the sizeable garden with orchard, wildflower planting, trees and shrubs. In these regards, the development is bound to erode the site's rural qualities.
8. The dwelling would not be seen from Wood Lane due to intervening vegetation and the drop in ground levels. Indeed, in light of the conclusions in the appellant's landscape and visual appraisal (the LVA) it seems unlikely the house would be visible from any highway or public vantage point. However, the development and the subsequent change in the character and appearance of the site would be viewed from the rear of Station Road dwellings, including Spring Hill. The proposed planting would only partially screen the dwelling and driveway from existing residences, particularly during times of leaf-fall.
9. I note that no objections have been raised by local residents. Nonetheless, the LVA acknowledges that residential properties are highly sensitive receptors to change and that there would be a major-moderate level of impact on visual amenity for Station Road residents. To my mind, this would be an adverse visual effect as the intrinsic character and beauty of part of the countryside would be replaced by a residential property. The dwelling would be seen as an encroachment of development beyond the built up extent of the village rather than an integral part of the settlement.
10. Furthermore, most nearby residences face onto and are visible from Station Road, albeit Spring Hill is set further back from the highway. The position of the proposed dwelling behind other houses would be unusual.
11. This incongruity in terms of the position of the house would be emphasised by its untypical contemporary design. The irregular, modular form with flat roofs of varying heights and uncommon external materials would be starkly at odds with the more traditional and regular style of dwellings prevalent in the area. Even if accepted as innovative design with features that would promote high levels of sustainability, the development's overall form and layout would not be compatible with its surroundings. As such, it is not supported by paragraph 134 of the Framework. The design of the proposal is not so outstanding to outweigh the harm caused through the erosion of the countryside or its incompatibility with existing development.
12. For these reasons, I conclude the proposal would harm the character and appearance of the area. In these regards, it would not accord with SADMP policies DM4 and DM10. Amongst other things, these look to protect the intrinsic value, beauty and open character of the countryside and to ensure development complements the character of the surrounding area. In these respects, the policies are consistent with the Framework, particularly paragraphs 130(c) and 174(b). As such, the conflict with the policies attracts significant weight in my assessment. The Council's refusal reason also refers to SADMP policy DM1 but this contains no provisions relevant to this main issue.

Whether efficient use of land

13. The single dwelling would be on an area of land that according to the planning application form measures 11230m². It is evident from the plans that the size of the appeal site is much larger than most of the individual house plots along Station Road. Spring Hill's garden is large but this is an unusual property at odds with the prevalent density of local housing. Also, the central position of the dwelling means it is difficult to envisage the site accommodating additional residential development over and above the current proposal.
14. The appellant contends the development would be more efficient in terms of delivering biodiversity and landscape gains. However, the garden and areas of landscaping would be excessive in relation to the size of the dwelling. As such, the site's potential to accommodate built development would not be optimised.
15. Also, the appellant suggests the objections in these respects contradict the concerns over the proposal's effect on the character and appearance of the area. However, there is no inconsistency in finding the proposal would represent the ineffective use of land and at the same time that it would harm the rural and visual qualities of the site and its surroundings. In both respects, the development would be unacceptable.
16. For these reasons, I conclude the proposal would not make an efficient use of land. In these regards, it would be contrary to the provisions of paragraphs 8 and 130(e) of the Framework.

Location

17. Apart from the access drive, the appeal site lies outside albeit adjacent to the Higham On The Hill settlement boundary as defined in the SADMP. Accordingly, the development does not benefit from the support for new housing in settlement boundaries as set out in CS policy 12. Also, the proposal would not fall within the types of development defined as being sustainable in the countryside and as allowed under the terms of SADMP policy DM4.
18. Even so, the preamble to CS policy 12 defines Higham On The Hill as a Rural Village where services are limited but include essential facilities such as a primary school, community and/or leisure services. Rural Villages are to be the focus of limited development with the aim of ensuring services are supported, particularly existing schools. This accords with paragraph 79 of the Framework which looks for housing to be located where it would enhance or maintain the vitality of rural communities. The proposed dwelling would not be an isolated new home as it would be close to the built up extent of Higham On The Hill. Therefore, paragraph 80 of the Framework is not relevant.
19. As well as a primary school, the village contains a recreation field, a community centre and a church. Also, bus stops in the village provide access to fairly frequent public transport services to larger settlements. The village pub and shop have closed but there are local services that require support through the provision of new housing, as recognised by the preamble to CS policy 12.
20. The proposed house would be within a reasonable walking distance from the village services, even when considering the length of the access drive. The route from the site to the centre of the village has a roadside pavement with streetlights. As such, local services and public transport links would be safely

accessible by foot from the proposed dwelling. Therefore, the proposal's location would help maintain the vitality of a rural community.

21. The Council raises a concern that the proposal would provide inadequate residential amenity due to the distance to services. It is suggested that this would result in a high reliance upon the private car. I note that SADMP policy DM17 states development will be supported where the need to travel is minimised and the use of sustainable transport modes can be maximised.
22. As well as the village services, occupiers would be able to access fairly frequent buses to larger settlements and a broader range of facilities. Also, a national cycle route runs through the village to Nuneaton and MIRA technology park. These would be within a reasonable cycling distance from the development.
23. Of course, future residents may travel by car to access facilities away from the village such as shops and secondary schools. Even so, these can be found in Nuneaton and only a short drive away. As such, the occupants of the proposal would not be reliant on car journeys of excessive length to gain access to services, particularly bearing in mind the rural location of the site. In reaching my view on the matter, I have borne in mind that opportunities to maximise sustainable transport options will vary between urban and rural areas, as highlighted under paragraph 105 of the Framework.
24. Previous appeal decisions refused planning permissions for a dwelling at the adjacent stud farm. In these decisions, the Inspectors found the services in the village would not be accessible to occupants. However, there is no roadside pavement or street lighting on Wood Lane from the access to the stud farm to the built up extent of the village. As such, there are differences between the current scheme and those previously dismissed. Therefore, I am not bound to arrive at the same conclusions on the acceptability of the location.
25. Overall, I conclude the proposal would be in a suitable location, particularly bearing in mind the Framework and accessibility to services. While not specifically supported by CS policy 12, I find the location of the development would not directly conflict with this policy. Also, the proposal would accord with SADMP policies DM10 and DM17 so far as they relate to the location of development. The scheme would not accord with SADMP policy DM4 but the other factors outlined above justify a departure from this policy's provisions on sustainable development in the countryside. The Council's refusal reason also refers to SADMP policy DM1 but it contains no provisions relevant to this issue.

Other Matters and Planning Balance

26. For the reasons as set out under the first main issue, the proposal would not accord with development plan policies when read as a whole. It follows to consider whether other factors justify allowing the appeal.
27. There is no dispute between the parties that the Council is unable to identify a supply of deliverable sites sufficient to provide a minimum of 5 years' worth of housing land. The Council advises that as of 1 April 2022 it could only demonstrate 4.89 years supply. The appellant refers to recent appeal decisions to suggest a 4.76 year supply. Regardless, it is clear the circumstances as set out under footnote 8 of the Framework apply. As such, development plan policies which are most important for determining the application are to be deemed out-of-date. In light of Paragraph 11(d)(ii) the benefits of the scheme

and its adverse impacts need to be considered against the Framework policies as a whole.

28. The proposal would represent a small development of a windfall site. However, it would be just outside rather than within an existing settlement and so the support set out at paragraph 69(c) of the Framework does not apply. However, the dwelling would help boost the supply of housing as promoted under the Framework, albeit that a single unit would make a modest contribution in these respects. There would also be limited benefits in terms of the generation of construction employment and support from future occupiers to local services.
29. The proposal is advanced as a self-build dwelling for the appellant that would help address a shortage in serviced plots when having regard to the demand as shown by the Council's self and custom build register. In response, the Council states that sufficient planning permissions have already been granted to meet the identified demand. Without clear details of entries on the register or permissions granted the evidence before me is inconclusive. Also, there is no information to show the appellant is entered on the Council's register and so I am uncertain whether the proposal would address the legal duty placed on the Council to meet the identified demand. Given this context, the provision of a single self-build housing plot attracts limited weight in my assessment.
30. New planting and bat and bird boxes would enhance the biodiversity value of the site. The benefits in these regards attract modest weight. The inclusion of carbon reduction measures would support the transition to a low carbon future and water efficiency measures would minimise waste and the use of a valued resource. However, the advantages are limited given the scale of the proposal.
31. Planning permission has been granted by the Council for up to 61 dwellings on land on the opposite side of Wood Lane. This proposal is significantly larger in scale to the current scheme with different factors to consider in carrying out the planning balance exercise. As such, the granting of this permission has little influence on my decision.
32. The several benefits of the scheme attract moderate weight overall. Against this, the identified harm in respect of the first and second main issues together attract significant weight. Therefore, I find the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits when assessed against the Framework. The presumption in favour of sustainable development as set out at paragraph 11 of the Framework does not apply.

Conclusion

33. The proposal would be in a suitable location. However, it would cause harm to the character and appearance of the countryside and the local area and would not represent an efficient use of land. The scheme would conflict with development plan policies when read as a whole. Its benefits are of insufficient weight to justify granting planning permission contrary to the development plan. Therefore, I dismiss the appeal.

Jonathan Edwards

INSPECTOR