



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: 7 June 2022

Appeal Ref: APP/K2420/W/22/3290898

Land north of 258 Ashby Road, Hinckley LE10 1SW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr R Edwards, JA & F Edwards Ltd against Hinckley and Bosworth Borough Council.
 - The application Ref 21/01149/OUT, is dated 7 September 2021.
 - The development proposed is the erection of up to 5 no. dwellings (outline - access only) land north of 258 Ashby Road, Hinckley, LE10 1SW.
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Decision

1. The appeal is dismissed and planning permission for the erection of up to 5 no. dwellings (outline – access only) is refused.

Preliminary Matters

2. The appeal was made against the failure of the Local Planning Authority (LPA) to reach a decision on the application within the statutory timeframe. The LPA has explained at appeal that had it been in a position to do so it would have refused the proposal on the basis that the development would be outside the settlement boundary for Hinckley and harmful to the rural character of the area, including the role and function of the Green Wedge. I have had regard to these putative reasons for refusal when identifying the main issues for consideration in this appeal.
3. Outline permission is sought but with access to be considered at this stage. I shall determine this appeal on that basis.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the countryside and on the role and function of the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge; and
 - whether the appeal site would be a suitable location for the proposed development having regard to the development strategy for the area.

Reasons

Character and appearance

5. The appeal site is a corner section of two large fields which forms part of a much greater expanse of open fields, divided by hedges with substantial isolated trees. From within the site there are extensive views of open countryside together with distant views of residential development associated with Hinckley Road, leading towards Barwell in the northeast.
6. The appeal site is separated from No.258 by a substantial hedge, clearly defining the transition point between the settlement and countryside. A further substantial hedge fronts Ashby Road, although the lower ground level of the surrounding fields diminishes its screening effect from the road. Another mature hedge runs across the appeal site, cutting across its front and tapering to almost a point at its junction with Ashby Road and No.258. Within this tapering wedge are several trees and shrubs which partly filter views of the site from Ashby Road, as well as creating a leafy, green backdrop to the bend in the road, although even with vegetation in leaf, views through to the appeal site are still available.
7. The appeal site is clearly viewed from Ashby Road when approaching Hinckley. The site can also be seen from Hinckley Road and from here the clear and consistent boundaries to residential properties lining the eastern side of Ashby Road define the edges to the settlement. Although the site is not subject to any national or local landscape designation, the appeal site visibly forms part of the surrounding countryside.
8. The change in character from field to residential development would fundamentally change the open, rural character of the site itself. It would also have a detrimental impact on the wider setting of the settlement with development breaking out beyond the well-defined boundary, extending into the corners of two large fields in a contrived way, interrupting well-established field patterns. It would extend the linear form of the settlement and be clearly perceived as an encroachment into the countryside.
9. There is no indicative layout or landscaping before me to demonstrate how the development might be laid out or screened from the surrounding countryside. The details of the proposed site access, however, which would be remote from the settlement boundary, indicate that it would open the site up allowing the new development to be clearly read as an extension into this countryside location. One access point serving five dwellings would also be different to the established pattern of development where properties are typically served by individual accesses. Whilst existing landscaping could be supplemented by further planting as part of a reserved matters application, this would not overcome the harm to the area's character that I have just described. It would not assimilate into the surrounding landscape and the development would be prominent in views from Ashby Road and from Hinckley Road.
10. Although the appeal site is relatively small in relation to the size of the surrounding fields, much of the site would be without existing field boundaries and the spilling of development northwards would have a significant and adverse impact on the surrounding open countryside and its rural character.

11. The role and function of the Green Wedge set out in Policy 6 of the Hinckley and Bosworth Core Strategy (2009) (CS) is to protect the separation of the settlements of Hinckley, Barwell, Earl Shilton and Burbage Green in order to help preserve their individual identities and to give urban residents easy access to green spaces thereby contributing to their quality of life. CS Policy 20 highlights the important environmental and landscape protection role of the Green Wedge in this locality and proposes its development as a large-scale recreational asset to serve nearby residents. Maintaining the Green Wedge is also an important part of protecting the green infrastructure of the Borough.
12. Residential development is not listed in CS Policy 6 as a use considered as being acceptable in the Green Wedge, and whilst I accept that it doesn't necessarily preclude other types of development, residential development on this site would affect its role and function. In this immediate area the Green Wedge is quite narrow in its extent, which heightens the important visual amenity that it brings to residents between Hinckley and Barwell and it is highly likely that these open fields, which have a strong rural character, are enjoyed by residents who overlook them, thereby contributing to their quality of life. It would represent the loss of a small but nevertheless important part of the Green Wedge.
13. Any encroachment of development into this area, no matter how small, would reduce the separation between the settlements, eroding the open space that it seeks to protect and would therefore be harmful. Although the harm to the character would be localised it would nevertheless be significant when considered in combination with the effect it would have on the function of the Green Wedge. The development would represent a marked visual change, enclosing and introducing built form and harming the environmental and landscape protection role of the Green Wedge as outlined in CS Policy 20. The development would be an incompatible use within the Green Wedge and be detrimental to its role and function.
14. The proposed development would therefore have a harmful effect on the character and appearance of the countryside and on the role and function of the Hinkley/Barwell/Earl Shilton/Burbage Green Wedge. It would be contrary to CS Policy 6 and 20, and Policy DM 4 of the Hinckley and Bosworth Site Allocations and Development Management Policies DPD (SADMP) (2016). These policies, seek to protect the intrinsic character and beauty of the countryside and the maintenance of the Green Wedge. It would also be contrary to the environmental protection aims of the 2021 National Planning Policy Framework (the Framework).

Location of development

15. The settlement hierarchy approach as set out in CS Policy 1, appears to me consistent with the general overarching sustainability aims of the Framework by considering where new development should and should not be located, directing housing growth to sustainable settlements and preventing uncontrolled growth in the surrounding countryside. I also find that SADMP Policy DM4, safeguarding the countryside and settlement separation, is also broadly consistent with the aims of the Framework including its strategic approach to maintaining and enhancing networks of green infrastructure and recognising the intrinsic character and beauty of the countryside.

16. Policy DM4 provides a number of exceptions primarily to support appropriate rural economic, outdoor sport and recreation development proposals, subject to no significant adverse effects on character and appearance, preserving open character between settlements, and controlling ribbon development.
17. The appeal proposal lies outside the settlement boundary and does not fall under any of the exception categories allowed by SADMP Policy DM4.
18. For the reasons given, the appeal site would not be a suitable location for the proposed development having regard to the development strategy for the area. The proposal would be contrary to CS Policy 1 and SADMP Policies DM1 and DM4.

Other Matters

19. I have had regard to two appeal decisions in the area. The site at Crabtree Farm, Hinkley Road, Barwell, is nearby and similar in some respects. The Inspector noted harm to the character and appearance of the area and to the role and function of the Green Wedge, but the scheme brought considerable benefits including a significant number of new dwellings to assist with housing land supply and the provision for open space and a burial ground. It also was a much larger site area, alongside an existing wedge of development extending south of Hinkley Road, allowing the proposed residential development to be sited to the east, ensuring that the perimeters of the site could be well screened by existing and enhanced vegetation, thereby limiting its visual impact on the wider countryside.
20. The circumstances surrounding the site at Wykin Lane, Stoke Golding, Nuneaton, are also very different from those considered in this appeal. Here the site, which was not within a Green Wedge, was for a much larger scale of residential development which would have significantly greater benefits to housing supply and other benefits which would flow from that.
21. Whilst I have had regard to these two relatively recent appeals, I have concluded that they are not directly comparable, and accordingly, those decisions have not been determinative in this case.
22. The appellant has also cited a potential housing site for up to 55 dwellings on land at North Barton Road, Barleston, presented to the Council's Planning Committee in December 2021. However, although I have limited information regarding this site, I note again this is for a much larger number of dwellings to assist in 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 scheme.
23. I have had regard to other concerns raised by interested parties, including impact on trees and habitats, highways and parking and the development setting a precedent. However, as I am dismissing the appeal on other grounds it has not been necessary to consider these matters further.

Planning Balance

24. Given the lack of a five-year supply of housing land and out of date housing policies, Paragraph 11 of the Framework confirms that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
25. The development would be in a location accessible to services and facilities. In this respect the scheme would be consistent with the aims of the Framework which require new development to be accessible to services. It would also provide up to five dwellings that would add to the Borough Council's housing stock and meet with the Government's aims to boost the supply of housing. Whilst meaningful, this would nevertheless be a modest benefit, commensurate with the scale of the development proposed. I also recognise that small scale, windfall sites can make an important contribution to housing land supply. There would also be some economic and social benefits through the construction of the dwellings, and from subsequent activities of the future residents in the local area. However, these benefits would also be modest.
26. I have found that the proposal would give rise to harm to the development strategy, undermining the plan led approach endorsed by the Framework. I afford this matter moderate weight because of the proximity of the site to services and facilities. I have also found the proposal would result in unacceptable harm to the character and appearance of the area and to the role and function of the Green Wedge. This falls contrary to the Framework's strategic approach which includes maintaining and enhancing networks of green infrastructure and recognising the intrinsic character and beauty of the countryside. These matters attract significant weight.
27. Consequently, even taking into account the housing land supply position, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Therefore, the proposal would not represent sustainable development.

Conclusion

28. For the reasons given above, the proposal would conflict with the development plan. 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