



Appeal Decision

Site visit made on 12 August 2024

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2024

Appeal Ref: APP/X2410/W/24/3343390

The Barn, Seagrave Road, Thrussington, Leicestershire LE7 4TR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Jennifer Carroll against the decision of Charnwood Borough Council.
 - The application Ref is P/23/2011/2.
 - The development proposed is the erection of one self-build dwelling with garage building, parking, landscaping and relocation of gates.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above has been taken from the decision notice. I consider this more accurately describes the proposal. The appellant in the appeal form acknowledges the change of description.
3. The Council has highlighted that the emerging Charnwood Local Plan (2021-2037) (eLP) is at an advanced stage of preparation with main modifications out for public consultation. They have provided a detailed update on the weight it considers should be attributed to each of the draft policies most relevant to this appeal, namely DS1, OS1, C1 and H6. I have carefully considered this document. As the consultation on the main modifications is still ongoing, despite several of the policies having no unresolved objections, there is a chance objections may still arise, leading to a degree of uncertainty. I therefore afford the emerging policies moderate weight.
4. Since the Council issued its decision, a draft version of the National Planning Policy Framework (the Framework) has gone out for consultation. As it is out for consultation it does not constitute Government policy or guidance. Policy on self-build does not change in the draft version, as such it has not been necessary to consult the parties further. I also note the appellant has referred to the draft Framework within their submissions.

Main Issue

5. The main issue is whether the appeal site is a suitable location for residential development considering the spatial strategy and accessibility to services and facilities.

Reasons

6. The development plan for the area consists of the Charnwood Local Plan Core Strategy (2015) (CS), saved policies of the Borough of Charnwood Local Plan (2004) (CLP) and the Thrussington Neighbourhood Plan (2018) (NP).
7. 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. Thrussington is defined as an 'Other Settlement' towards the bottom of the settlement hierarchy. This states that development will be supported where it is within defined limits to development. The appeal site is located a considerable distance beyond the settlement limits which have been set out in the NP and supersedes that set out in the CLP. It therefore falls within land that in planning terms is considered as countryside. The scheme is also not for affordable housing. It therefore conflicts with the general thrust of the settlement strategy of Policy CS1 which seeks to focus development within settlement boundaries.
8. Furthermore, the proposal would also conflict with Policy CT/1 of the CLP which seeks to limit development within the countryside to certain types, none of which would apply to the proposal. As there is conflict with Policy CT/1 it would also conflict with Policy CT/2 of the CLP as this only applies to development in the countryside that is acceptable in principle. However, I recognise policies CT/1 and CT/2 take a more restrictive approach to rural development than the Framework, and are not fully up to date as set out in a recent appeal decision¹ and Officer report for a recent permission². This reduces the weight to be afforded to the harm arising from this conflict.
9. Although conflict with Policy H1 of the NP was not explicitly cited on the decision notice, the decision notice clearly mentioned that the site is located outside of any defined settlement boundary as set out in Policy H1 of the NP. Policy H1 requires all new residential dwellings, where appropriate, to be within the settlement boundary and to have sufficient parking, or if outside the settlement boundary to be either a replacement dwelling, conversion of a redundant or disused building or if a new dwelling, to meet the essential needs of a rural worker. The proposal would not meet any of these criteria. Additionally, the explanatory text to Policy H1 outlines how the NP seeks to ensure new residential development is focussed on previously developed land within the settlement boundary. The proposal would not reflect this aim. For the above reasons, I find that there is conflict with Policy H1.
10. Paragraph 109 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
11. The appeal site is a parcel of land located approximately 1.4 kilometres along Seagrave Road from the edge of the settlement limit of Thrussington. Seagrave Road is an unlit road, with no pavement and is subject to the national speed limit. In my view, this would not represent favourable walking or cycling conditions, particularly during the hours of darkness. Furthermore, I observed no bus stop in the immediate vicinity of the site, and whilst the appellant has mentioned that the No 5, 5A and X5 bus can be joined by cycling or driving to the nearest stop, I have not been provided any information regarding its location or the frequency of the service.

¹ Ref: APP/X2410/W/23/3325902

² Ref: P/23/0271/2

12. Consequently, given the distance and limitations of the immediate rural roads, I find that future occupants of the proposed dwelling would be unlikely to walk or cycle. I recognise that working from home and food deliveries can reduce the need for frequent travel by private vehicle and the number of journeys generated by the occupiers of a single dwelling would be relatively small. However, future occupants would nonetheless still be heavily reliant upon the use of a private vehicle to access the majority of services and facilities. In these circumstances, the proposed development would not provide the opportunity to maximise the use of sustainable transport modes, even when accepting that the site is in a rural location.
13. Whilst I note the intentions of the appellant to use an electric car and install an electric vehicle charger, the installation of a charger is now a requirement of building regulations. In any case, the use of an electric vehicle cannot be guaranteed and whilst they are a more sustainable transport option, they do not reduce the need to travel from sites that are unsustainably located. I therefore attribute limited weight to this.
14. For the reasons above, I conclude that the appeal site is not in a suitable location for residential development having regard to the spatial strategy of the adopted local plan and the accessibility of services and facilities. The proposal would result in a dwelling in the countryside, beyond settlement limits where future occupants would be reliant on the private car. As a result, the development would conflict with Policy CS1 of the CS, saved Policy CT/1 of the CLP and Policy H1 of the NP. It would also conflict with Policy CS25 of the CS which reflects the Framework's presumption in favour of sustainable development and it would not accord with the Framework in so far as it seeks to secure a sustainable pattern of development.

Other Matters

15. The appellant has raised concerns regarding the validation of the appeal, the undertaking of a site visit and communication with the Council. This is a matter between the main parties and has no bearing on my consideration of the planning merits of the appeal proposal.
16. The absence of third party objections does not alter my findings with regard to the conflict with the development plan that I have identified.
17. I have no substantive evidence that if the appeal site returned to agricultural use that this would result in highway safety issues.
18. In support of the proposal, I have been referred to a planning application that was approved at Wymeswold³. While I note there was no pavement or street lighting, the application site appears to be adjacent to the settlement boundary and therefore I do not consider it to be directly comparable. In any event, I have determined this case on its own merits.
19. I note the personal circumstances of the appellant and the desire to downsize and remain in the area. However, I have not been provided with any substantive evidence to show that the appeal scheme represents the only way that suitable alternative accommodation in the area can be found, consequently these personal reasons do not outweigh the conflict with the development plan.

³ Ref: P/23/0271/2

20. The development would be screened from outside vantage points by existing and proposed vegetation, and would be sited close to existing buildings. The proposed design, scale and materials are considered appropriate for the rural setting. As such, the development is not considered to cause harm to the character and appearance of the countryside.
21. The proposal has been put forward as a self-build home and the appellant is on the self-build register. There is dispute between the parties as to how the self-build status would be secured and whether a signed planning agreement is essential or a condition would be more appropriate. However, as I am dismissing the appeal for other reasons, the decision does not turn on this issue, therefore there has been no need to look at this matter further.

Other Considerations

22. Both parties have referred to the eLP. This adopts a similar approach to the current development plan in terms of allocating housing.
23. Emerging Policy C1 relates to development in the countryside and supports isolated residential development in limited circumstances. I do not consider that the appeal scheme would accord with any of the circumstances set out. However, as the appeal scheme would be close to existing residential properties located to the north and west, it would not be an isolated home. Therefore, this policy is not fully applicable in this case.
24. Under emerging Policy DS1, Thrussington continues to be defined as an 'Other Settlement' where it seeks development to be contained within the defined limits of development. Emerging Policy OS1 relates specifically to 'Other Settlements' and is supportive of development that is in accordance with Policy DS1. The appeal site would remain outside of the settlement boundary for Thrussington. As such, the objectives of emerging policy DS1 and OS1 would not be met in this case.
25. The proposal has been put forward as a self-build. The development plan is silent on self-build. Emerging Policy H6 supports self-build, but this is predicated on the support of policies C1 and DS1, which, in the case of Policy DS1, would not be achieved in this case. The proposal would therefore conflict with emerging Policy H6. As such, the eLP does not support the scheme.

Planning Balance and Conclusion

26. The scheme's conflict with the spatial strategy draws it into conflict with the development plan read as a whole.
27. As the Council has an emerging local plan that has been submitted to the Secretary of State for examination and includes both a policies map and proposed allocations towards meeting housing need, the Framework at paragraph 226 only requires a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing. The Council says that it can now demonstrate a supply of 5.32 years. This position has not been disputed by the appellant. As such, paragraph 11d is not engaged on this issue. I am mindful that the draft version of the Framework, currently out for consultation, proposes to remove paragraph 226. However, at this stage, as set out in the preliminary matters, the draft Framework does not constitute Government policy and is subject to change. In any case, even if paragraph 226 were

removed, based on the Council's current position it would still be able to demonstrate a sufficient supply of housing.

28. Regardless of whether the policies most important in the determination of the application are deemed to be out of date, the Council has accepted in evidence that there is a shortfall of 67 self-build plots in the area, and an absence of a bespoke policy in the development plan. On this basis, the Council accepts that paragraph 11d)ii of the Framework is engaged. This advises that where there are no relevant development plan policies, permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. I have no reason to disagree with this position.
29. In terms of benefits, the existing entrance gates and piers would be removed as part of the proposal which are considered large and suburban. This weighs in favour of the scheme.
30. The Council has acknowledged that the proposal would not have an adverse impact on the living conditions of nearby occupiers, highway safety, flood risk or biodiversity. None of the evidence before me, including what I saw during my site visit, leads me to a different view on these points. However, an absence of harm in all of these matters is a neutral factor in the determination of this appeal.
31. The Framework states that small and medium sized sites can make an important contribution to meeting the housing requirements of an area and can be built out quickly. The proposal would deliver one new dwelling built to lifetime homes standards, making a positive contribution to addressing the significant shortfall in self-build plots. The development would generate some economic benefits, both short term in relation to the construction of the dwellings and longer term with future residents spending, contributing to the local economy. This weighs in favour of the proposal. As the scheme is only for 1 dwelling, such benefits would be limited, and cumulatively, they attract no more than moderate weight.
32. In terms of harms, I have found that the site would not be a suitable location for housing considering the spatial strategy and its location away from the settlement boundary and accessibility to services and facilities.
33. The Framework seeks to promote walking, cycling and public transport and for the planning system to actively manage patterns of growth in support of these objectives. Accordingly, even with the shortfall in self-build plots, given the conflict with the spatial strategy, I find that the adverse impact of the proposed dwelling on the spatial strategy would significantly and demonstrably outweigh the modest benefits of the proposal, when assessed against the policies of the Framework taken as a whole.
34. For the reasons above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh this conflict. Therefore, I conclude that the appeal should be dismissed.

T Bennett

INSPECTOR