The Planning Inspectorate

Appeal Decision

Site visit made on 5 December 2024

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 12 December 2024

Appeal Ref: APP/K2420/W/24/3348843
Land North East of The Hovel, Spinney Drive, Leicestershire.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs Gagin against the decision of Hinckley and Bosworth Council.
- The application Ref: 23/01195/FUL dated 8 December 2023 was refused by notice 1 February 2024.
- The application is for proposed dwelling with detached garage and creation of new access (Resubmission 22/01071/FUL) (Self Build).

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal upon the character and appearance of the area and whether the site represents a sustainable location for housing development having regards to the accessibility of services and facilities.

Reasons

3. The appeal site is an area of open scrub land with some trees that sits upon a small hillside escarpment within the National Forest and the Charnwood Forest areas. The site is generally open and allows views in a northerly direction as the land gently falls away. The site is located alongside a large property called 'The Old Schoolhouse' that sits within an enclosed, walled site at the very end of Spinney Drive. Immediately opposite the site there is an open plot of land bounded by other houses which has consent for a new dwellinghouse[1].

4. The site appears historically related to the nearby site of Kirkby Grange. This site has latterly seen development as a retirement village and this has resulted in some modern suburban type development that surrounds the old building and extends along one side of Spinney Drive in the direction of the appeal site. Spinney Drive is a metalled road that serves these properties and it forms a strong dividing feature between the tall, beech hedged gardens of properties on the west side and what is relatively attractive open arable countryside on the east of the road.

[1] Application reference 21/00887/FUL

5. The proposal before me seeks permission to construct a new four bedroom dwelling upon this plot of land which is located to the east side of Spinney Drive. The proposed building would be of an approximate 'T' shaped footprint and would consist of a single storey, pitched roof bungalow with detached garage. The property would sport a pitched roof glazed porch feature as its main entrance. The siting of the property would bring the built form roughly in line to the existing wall that bounds the adjacent 'The Old Schoolhouse' building and the red line plan would suggest that the curtilage of the proposed house would not extend beyond this line.

Effect upon the character and appearance of the area

6. The site is located outside of the settlement boundary of Botcheston and as such sits within open countryside as defined in the adopted Site Allocations and Development Management Policies DPD (SADMP)[2]. Policy DM4 of the SADMP outlines the criteria that such development should meet in order to be allowable. This includes ensuring that such development does not significantly adversely affect the open, landscape character of the countryside and does not create or exacerbate ribbon development.

7. Spinney Drive is, almost quite literally, a lane of two halves and two distinct characters. To the west the lane is characterised by housing, much of which is of a suburban type of varying ages and types, the buildings of which are largely obscured by tall beech hedging. As one continues along Spinney Drive the density of development reduces and one arrives at the walled enclosure of 'The Old Schoolhouse'. This plot terminates Spinney Drive and, although it extends to the east of the lane, the vast majority of land around it is very much that of arable fields fringed by woodland with a noticeable absence of built development.

8. Although the appeal site is in close physical proximity therefore to other houses, in terms of character it is distant and is essentially related to the open arable landscape opposite these houses where fields and trees dominate. It also sits outside the enclosed plot of 'The Old Schoolhouse' and, despite its history, it is effectively naturalised in its nature. Moreover, the site slopes gently towards the north east and marks an important transition between the flat plateau of arable fields and the reduction in elevation as the land slopes to the valley beyond.

9. As mentioned above, the difference between the two sides of Spinney Drive is stark and obvious. A new dwellinghouse to this side of the lane would allow the enlargement of the more suburban character which would be considerably damaging and would exacerbate a type of harmful ribbon development. In assessing this scheme with regards the effect it may have upon the character and appearance of the area therefore, I find that the proposal would represent an incongruous encroachment into the open countryside that would significantly harm the intrinsic beauty and character of the landscape around.

10. Even though this proposal would be of a single storey, simple design, the actual effect of the building would be to introduce development that would be much more prominent than 'The Old Schoolhouse' and would significantly and

[2] The Site Allocations and Development Management Policies DPD Adopted July 2016 represents the Local Plan from 2006 – 2026.

noticeably alter the character of the area to its detriment. As such the proposal would fail to meet the policy requirements of Policies DM4 and DM10 of the SADMP as well as Policy H1 of the Desford Neighbourhood Plan.

Whether the site represents a sustainable location for housing development having regards to the accessibility of services and facilities.

11. Policy DM17 of the SADMP outlines the criteria that should be met for development with regards highways and transportation. Policy DM4 also reiterates that development would only be allowed were it to meet specific criteria as outlined in points a to e. Botcheston is identified as a Rural Hamlet within Policy 13 of the Core Strategy (CS) and as such has limited services and facilities. I saw on my site visit that this is the case albeit there did appear to be a pub and a village hall.

12. I also saw that the village is straddled alongside the roadside and that there would appear to be bus services that could extend to nearby service centres and to Leicester itself. It is generally downhill into the core of the village from this site, but of course this means that it is uphill on the way back. I also saw the lack of segregated footways that extend along the highway in this direction.

13. Taking this all into account, although Botcheston would be the obvious place of orientation and further transit, the likelihood of residents of this proposed dwelling regularly walking or using other active means to access the village and the bus stops would be very limited and would not greatly benefit from safe footways until the main road is reached.

14. In light of this I consider that the scheme would be unable to meet the requirements of Policy DM17(d) in its duty to ensure development manages to minimise the need to travel or to maximise the use of sustainable modes.

Other Matters

15. The proposal is for a self build house upon this plot. However, the very nature of introducing more physical development to this location would cause harm, whether this be a self build property or not. Although some weight must be given to the general benefits of self build the harm in this case would outweigh such benefits.

16. I am aware of the past approval for a dwelling to the site opposite. I do not have before me all the reasonings as to why this development was approved on this site or to why it was considered suitable in terms of location and its ability to meet Policy DM17. However, I do see a noticeable difference in character between these two sites.

17. On the one hand I see the site opposite as being much more enclosed and more of a nature compatible with a true 'infill' site, such is the historic evolution of the area. I also notice that its location and site is not nearly as prominent as the site concerned with this appeal. As such, although I give this past approval some weight, the physical character and location of these sites is noticeably different and cannot readily be compared in character terms.

Conclusion

18. Although I give some weight to the proposed dwelling offering some modest contribution to the area's housing need as well as its self build nature, the location of this development would mean that the private car would be the most convenient mode of transport. When added to the very real harm caused to the open countryside around this site then I must conclude that the scheme would be in conflict with Policies DM4, DM10 and DM17 of the Site Allocations and Development Management Policies DPD (SADMP)[3] as well as Policy H1 of the Desford Neighbourhood Plan, all of which reflect the Framework that proposals should be well designed and sustainable.

19. As such, for the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR

[3] The Site Allocations and Development Management Policies DPD Adopted July 2016 represents the Local Plan from 2006 – 2026.