



# Appeal Decision

Hearing held on 5 May 2010  
Site visit made on 5 May 2010

by **Alan M Wood MSc FRICS**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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**Decision date:**  
**14 May 2010**

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## Appeal Ref: APP/F2415/A/09/2116764

### Land to the rear of The Hollies, Main Street, Ashby Parva, Lutterworth, Leicestershire, LE15 5HS

- 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 Miss M Bodycote on behalf of Wells McFarlane against the decision of Harborough District Council.
- The application Ref 09/00329/FUL, dated 17 March 2009, was refused by notice dated 14 May 2009.
- The development proposed is the erection of 6 dwellings with associated garages and parking, creation of new access and diversion of public right of way.

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## Decision

1. I dismiss the appeal.

## Procedural Matter

2. The description of the development includes the diversion of a public right of way (PROW). It was acknowledged however by both parties at the hearing that this matter falls to be considered under another procedure and does not therefore form part of my decision.

## Main issues

3. I consider the main issues to be:
  - Whether the appeal site represents a countryside location;
  - The effect of the proposed development on the character and appearance of the surrounding area;
  - Whether the proposal would preserve or enhance the character or appearance of the Ashby Parva Conservation Area;
  - Whether the proposed development would represent efficient use of the appeal site; and
  - Whether the proposal should provide an element of affordable housing.

## Reasons

### *Development in the Countryside*

4. The appeal site comprises open land which is accessed off Main Street via a gate and stile. There is no evidence of previous development on the site which
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is traversed by the PROW along a route broadly diagonal from north-east to south-west. The PROW then continues alongside the cultivated arable land beyond the site. The line of the path is evident on the site. A hedge along the north-west boundary of the site separates the appeal site from the arable land. This hedge continues the line of the rear boundaries of properties in Lammas Close to the south-west of the appeal site alongside the arable land. I was informed however by an interested party at the hearing that the hedge had been planted about three years ago and, prior to that, the site was cultivated by a tenant farmer. The appellant did not directly challenge that assertion.

5. Taking account of the above, and the fact that there is no compelling evidence before me to demonstrate the existence of any previous alternative use of the site, I consider that, despite the presence of the hedge, the appeal site does form part of the open countryside to the west and south of the site. Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS7) requires local planning authorities to strictly control new house building in the countryside. There is however no defined limit of development associated with the village of Ashby Parva and the proposed development would be integrated into the established settlement by virtue of the presence of the existing development which surrounds the appeal site on three of its four sides.
6. The policies in the Harborough District Local Plan (2001) [LP] which related to applications for new dwellings in the countryside are no longer extant and the Council has therefore referred to Policy EV/5 of the LP in its decision notice.

#### *Character and Appearance*

7. Policy EV/5 also indicates that development in the countryside will be strictly controlled and that the Council will refuse planning permission for development proposals unless certain criteria can be met. Particularly pertinent in this case are those criteria relating to the effect of the development on the character and appearance of the area and local distinctiveness. These requirements are further echoed in Policies IN1, EV11, HS7 and HS10 of the LP and the Council's Supplementary Planning Guidance Notes 1 and 3 (SPGs). I am satisfied that the criterion in Policy EV/5 relating to archaeological features on the site could be suitably dealt with by way of a condition.
8. The frontage of the site along Main Street is located between a converted chapel and a car dealership. Policy EV/5 also stipulates that any new buildings should be sited in a position that minimise their impact on the landscape and on important views into and out of villages. This is reinforced by Policy HS/7 of the LP which states that the Council will seek to protect the individual character of settlements by refusing proposals that would adversely affect breaks in the street frontage which afford significant views of the countryside.
9. Policy HS/10 of the LP however indicates that that the Council will grant planning permission for infill development limited to a single property depth. The Council has stated that it has no objection to the proposed dwelling (Unit 1) occupying the frontage in this context and I do not differ from that opinion. The introduction of a single dwelling in this location would thereby significantly diminish the view of the site from the road in any event.
10. Unit 1 would be sited within the conservation area. The Council has expressed the view that the design and detailing of this dwelling would be sufficiently in

keeping with the general characteristics of the area to make it acceptable in its setting and I accord with that view. In arriving at that opinion the Council has stated that a single dwelling in this location would harmonise with the linear nature of development along Main Street. It is the Council's contention however that the rest of the proposed development would be of a non-linear pattern in the form of a cul-de-sac broadly at right angles to the road and would be out of character with the surrounding area.

11. I observed however that the layout of the plots along Main Street are characterised by their variety rather than their uniformity and include examples of development that is of significant depth in relationship to the width of the respective frontages. I noted that Beales Farm, almost immediately opposite the appeal site, has built development stretching a considerable distance into the site away from Main Street. The form of the settlement also varies with a mixture of predominantly detached and terraced house types of varying scales and with single and two storey properties interspersed. Further, as referred to above, the appeal site is already surrounded on three of its four sides by existing development. I consider that, in this context, the introduction of the proposed dwellings on this plot would not unacceptably offend the prevailing typology or pattern of development within the vicinity of the site.
12. In arriving at this view I accept that the proposed development would be laid out with an access road and other areas of hard landscaping. The nature of the surfacing materials can however be controlled by a condition and I do not consider that this arrangement would be so discordant as to be unacceptably detrimental to the overall distinctiveness of the village.
13. I am also satisfied that the design and detailing of Units 2 to 4 would be suitably characteristic of the surrounding area. These dwellings would sit comfortably on their plots and, from my observations, would not be overly dominant or discordant in their relationship to the adjacent converted chapel, which is 1.5 storeys in height, when viewed from within the site. Units 2 to 4 would be well screened from street scene except at high level and would be sited behind existing development in Main Street. A mix of dwelling types and the variation in form on the appeal site, to my mind, would reinforce the variety of pattern that I have alluded to above.
14. From my observations however, I consider that the two storey dwellings annotated as Units 5 and 6 would appear over dominant and unduly obtrusive particularly in respect of their position with reference to Nos 9 and 10 Lammas Close which are sited opposite and adjacent. This adverse effect would be as a consequence of the relatively elevated position on the site of Units 5 and 6 in combination with their height, scale, massing and prominence in relationship to the more modest and predominantly single storey dwellings in the adjacent Lammas Close. In common with the close, both of these dwellings would be sited outside of the conservation area but their discordant relationship with the properties in Lammas Close would result in a negative effect on the setting of the conservation area.
15. Policy HE7.5 of Planning Policy Statement 5: *Planning for the Historic Environment* (PPS5) states that local planning authorities should take into account the desirability of new development making a positive contribution to the historic environment and that this consideration should include scale,

height, massing and alignment. I consider therefore that the proposed development would not make a positive contribution to the conservation area for the reasons given above. Policy HE9.5 of PPS5 indicates that not all elements of a conservation area will necessarily contribute to its significance. In this case however, both of the proposed dwellings would be visible in the street scene from the access to the appeal site and from vantage points to the south-east of the site. The location of the dwellings on the appeal site would therefore contribute to the significance of the conservation area.

16. I conclude therefore that the proposal would unacceptably harm the character and appearance of the surrounding area, and would also adversely affect the form and character of the settlement. Accordingly the proposed development would fail to preserve or enhance the character or appearance of the conservation area. Consequently the proposal would conflict with PPS5, Policies IN/1, EV/5, EV/11, HS/7 (1) and HS/10 of the LP, and the SPGs. I attach substantial weight to this consideration.

#### *Efficient Use of the Land*

17. Policy ALT3 of the LP requires that residential development of at least 0.3ha in this locality should achieve a minimum density of 30 dwellings/ha (dph). The appeal site is about 3.8ha in area and the proposal would result in a density of approximately 16dph. The shape and configuration of the site however places constraints on the scale of development that it can accommodate. The presence of the PROW is also a factor which would have a bearing on the layout of any future development.
18. The Council's decision notice related primarily in this regard to the number of proposed dwellings falling short of the threshold for affordable housing. As explained below however, that is not the case in the context of this proposal. Planning Policy Statement 3: *Housing* (PPS3) requires local planning authorities to develop housing density policies and that 30dph should be used as a national indicative minimum. Paragraph 12 of PPS3 does however recognise that good design is fundamental in achieving high quality new housing. In this case, having regard to the site constraints, the scale and density of neighbouring buildings and the local area, I conclude that the proposed density would be acceptable in this location and would enable a mix of housing that would not appear cramped on its site.
19. Accordingly the proposed development would not conflict with PPS3 or Policy ALT3 in this regard. I accord significant weight to this consideration.

#### *Affordable Housing*

20. Policy 2 of the Council's Supplementary Planning Document: *Affordable Housing* (2006) [DPD] requires an element of affordable housing from developments of 5 or more dwellings. The supporting text to the policy indicates that a minimum requirement of 30% of a housing development should be in the form of affordable housing. The appellant has accordingly allocated 2 of the 6 dwellings as affordable housing and this arrangement could be secured by way of a condition.

21. In his appeal decision<sup>1</sup> dated 1 February 2010 relating to another site within the Harborough District, the Inspector concluded that there was a shortfall of affordable housing in the District. The Council acknowledged at the hearing that this still remained the case. PPS3 states that the government is committed to providing affordable housing for people who are unable to access or afford market housing. The provision of 2 units of affordable accommodation on this site would therefore contribute to meeting government guidance in PPS3 and would also promote a mixed community; another of the government's priorities as set out in PPS3. The proposed development would therefore accord with the requirements of the PPS3 and the DPD. I attach significant weight to this consideration.

*Other Considerations*

22. Paragraph 71 of PPS3 states that where local planning authorities cannot demonstrate an up-to-date five year supply of deliverable sites they should consider favourably planning applications for housing. The Council acknowledged at the hearing that it could not demonstrate a five year supply. The proposed development would therefore make a positive contribution towards meeting the acknowledged shortfall in housing supply within the District. I afford significant weight to this consideration.

**Conclusion**

23. I conclude that the harm that I have identified in relation to character and appearance is substantial. I have attached significant weight in favour of the development to the issues of the efficient use of land, affordable housing and housing supply. I do not consider however that those considerations when taken individually or together would provide sufficient weight to overcome the substantial harm in respect of character and appearance. Consequently, there is insufficient justification for the proposed development in this countryside location.

24. For the reasons given above the appeal does not succeed.

*Alan M Wood*

Inspector

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<sup>1</sup> APP/F2415/A/09/2114425

## APPEARANCES

### FOR THE APPELLANT:

Brian Mullin BSc (Hons) MRTPI      Planning Consultant , Marrons  
PG DipPG

Andrew Brown RIBA MRTPI          Architect, Woodhall Planning and Conservation  
IHBC

Simon Stanton                          Solicitor, Marrons

### FOR THE LOCAL PLANNING AUTHORITY:

Nicholas White BA (Hons) MA      Planning Officer, Harborough District Council

John Sharpe BA (Hons) MA          Conservation Officer, Leicestershire County  
MRTPI IHBC                              Council

### INTERESTED PERSONS:

Timothy Palmer                          Chairman of the Parish Meeting

## DOCUMENTS

### *Submitted by the Council*

1. Notification Letter

### *Submitted by the Appellant*

2. Addendum to the Conservation Impact Assessment

3. Drawing No 8195/5 dated March 2010, annotated Site Sections as Proposed

4. Copies of Policies 3, 12, 13a, 14 and 15 of The East Midlands Regional Plan 2009