

**Summary of Appeal Decision at Land Surrounding Sketchley House, Burbage (APP/K2420/A/13/2208318)**

This outline application (13/00529/OUT) for the erection of up to 135 dwellings was refused by Members following an officer recommendation to approve on 16 October 2013 for the following reasons:-

1. In the opinion of the local planning authority, the proposed development will result in an adverse urbanising effect of the landscape, resulting in harm to the intrinsic character and beauty of the countryside contrary to the requirements of Saved Policy NE5 of the adopted Hinckley and Bosworth Local Plan 2001 and the requirements of Paragraph 17 of the National Planning Policy Framework.
2. In the opinion of the local planning authority, the vehicular traffic associated with the proposed development will result in an unacceptable adverse impact upon the amenities of the occupiers of dwellings in Welbeck Avenue, Newstead Avenue, Brockhurst Avenue and Beechwood Avenue. The proposal is therefore contrary to the requirements of Policy BE1 of the adopted Hinckley and Bosworth Local Plan 2001.
3. In the opinion of the local planning authority, the proposed vehicle access drive serving the development will result in an unacceptable adverse impact upon the amenities of the occupiers of nos. 9 and 15 Welbeck Avenue to which it is immediately adjacent. The proposal is therefore contrary to the requirements of Policy BE1 of the adopted Hinckley and Bosworth Local Plan 2001.

The applicant appealed this decision and a public inquiry was heard on 25 to 28 February and 24 – 27 June 2014. During the adjournment between the two inquiry hearings the Secretary of State directed that he wished to determine the appeal himself.

The Inspector recommended that the appeal be allowed and planning permission granted subject to conditions. The Secretary of State agreed with the Inspector's conclusion and the appeal was allowed for the following reasons:-

The Secretary of State agreed with the Inspector that no significant alteration to the housing requirement identified in the Core Strategy is warranted. Whilst the Secretary of State agreed that a 5 year supply of housing sites could not be identified, he considered that it would be inaccurate to denote the failure to deliver housing as 'persistent'. However, he also agrees with the Inspector that there has been a failure to deliver housing in accordance with the Core Strategy particularly through the delivery of the SUEs. This failure to implement mechanisms to meet the housing target exacerbates this shortfall, but if the current shortfall were made up in the plan period then provision would meet the full objectively assessed needs for market housing. As policies could be brought 'up to date' with the identification of additional housing land, they cannot be considered inherently outmoded or redundant as they would come back up to date with the appropriate identification of housing land supply. Nevertheless, the Secretary of State agrees with the Inspector that the lack of a 5 year supply is an important material consideration and that a new balance between relevant policies in the development plan needs to be established and that balance is crucial.

The Secretary of State considered that the need for affordable housing is acute and warrants the provision of 40% offered by the appeal proposal.

The Secretary of State agreed that the additional traffic generated would likely disperse evenly and represent modest traffic flows which would not significantly alter the quiet and safe character of the streets.

Whilst there would be a limited amount of landscape harm on this greenfield site which would be outside of the settlement boundary, the scheme would be of a low density and the landscaping of the development would ameliorate the harmful impact of the scheme on the character of Burbage. In terms of ecology, the Secretary of State considers that though disputed by local residents, the site is not inherently valuable for nature conservation and measures would be proposed to increase biodiversity.

The Secretary of State concludes that the scheme would largely comply with the Core Strategy in bringing forward development in a location beside part of the sub-regional centre; being largely in accord with Policy 4; and satisfying the requirements of Policy BE1. The Secretary of State also agrees that, although the proposal would be contrary to Policy NE5 the environmental impact would be limited and well confined. Having regard to paragraph 14 of the Framework, the Secretary of State shares the Inspector's view that there are no adverse impacts in this case that significantly and demonstrably outweigh the benefits of the development.

### **Conclusion**

The Secretary of State concludes that, as a 5-year housing land supply cannot be identified, the decision falls to be made in the context of the presumption in favour of sustainable development as outlined at paragraph 14 of the Framework. The limited environmental and residential amenity harm identified would not be sufficient to significantly and demonstrably outweigh the benefits of the provision of up to 135 dwellings, 40% of which would be affordable, to be delivered in a sustainable location close to the sub-regional centre. The Secretary of State finds that the open space provision and diversity of housing type would add further weight in favour of the proposal. Overall he is satisfied that the scheme amounts to sustainable development and that planning permission should be granted.

### **Appeal Allowed**