
Appeal Decision

Site visit made on 24 February 2015

by **Julia Gregory BSc BTP MRTPI MCMI**

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

Decision date: 19 March 2015

Appeal Ref: APP/K2420/A/14/2229190

The Stables, Bagworth Road, Newbold Heath, Leicestershire LE9 9NB

- 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 and Mrs Finney against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 14/00697/FUL, dated 23 June 2014, was refused by notice dated 4 September 2014.
 - The development proposed is the erection of a single storey house at private stables.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the countryside, whether the dwelling would represent sustainable development, and whether the dwelling would provide acceptable living conditions for future occupiers.

Reasons

Countryside

3. The dwelling would be sited to the rear of private stables on land currently part of paddocks associated with the stables. Because the building would be single storey with a low pitched roof, it would be screened to a large degree by the L-shaped stable building which is itself set behind a well established hawthorn hedgerow which is interrupted only by the access to the stables. Furthermore, the timber walling and cedar shingle roof materials that would be used in the construction would reflect the character and appearance of the stables. The dwelling would relate satisfactorily in terms of its design and siting to the existing buildings.
4. Nevertheless, the dwelling would be located within the open countryside outside both the main residential part of Newbold Heath, which is an agglomeration of dwellings around Merrylees Road and well away from Newbold Verdon. Although there is a dwelling nearly opposite, that is a farmhouse. There is a sawmill to the south, but again that is a traditional countryside business.
5. Hinckley and Bosworth Local Plan 2001(LP) policy NE5 seeks to protect the countryside and allows for development only in certain circumstances which do not apply here. The building would consolidate further built development in the

countryside and would reduce openness. This policy is consistent with the National Planning Policy Framework (the Framework) paragraph 17 which recognises the intrinsic character and beauty of the countryside. I conclude that it would harm the character and appearance of the countryside.

Sustainability

6. Whilst LP policy NE5 pre-dates the Framework, that document, in paragraph 55 also seeks to avoid new isolated homes in the countryside unless there are special circumstances. This reflects the three dimensions of sustainable development established by the Framework which seek to ensure that development is in the right location. Whilst there would be a link to the use of the stables, these are private and used solely by the appellants and so there is no justification put forward in respect of the essential need for a rural worker. Whilst there may be some benefit in terms of security of the stables of a residential presence on the site, I am not convinced that there is a significant security risk or that there are no alternative means of ensuring security.
7. By car Newbold Verdon is not far away. Nevertheless, the Framework seeks to promote strong vibrant and healthy communities which means accessible local services. I have not been told of any significant services and facilities in Newbold Heath. This site would be isolated from shops and services which would be too far away to be walked to on a regular basis. There was no evidence of a regular bus service in the vicinity of the site. Therefore reliance would be on the use of the private car. Whilst the appellants may visit the site regularly, I am not convinced that the residential occupation of the site would not generate more vehicular trips connected with that use than at present.
8. The Council has stated that they have moved from a situation where they did not have a five year housing land supply to one where there is a 5.22 year supply of housing land locally. Whilst this dwelling would make a small contribution to housing land supply it would be contrary to both LP policy NE5 and the Framework paragraph 55. There would be some economic benefit in providing an additional dwelling, but given that it would be located within the countryside and would not be in a sustainable location it would not represent sustainable development.

Living conditions

9. The Council has asserted that the relationship of the dwelling to the stables would not be acceptable. LP policy BE1 sets design and siting criteria to be complied with. I have already concluded that the development would be in character with the adjacent stables and that the siting would be acceptable. I therefore conclude that it would not be out of character or relate unacceptably to those buildings and would not be contrary to LP policy BE1 in that regard.
10. It seems that the Council is concerned about the number of window openings facing the stables. I note that there would be window openings facing the stables but these would be some 13m away. The buildings would not be so close to one another as to unacceptably compromise outlook. No evidence has been put forward by the Council as to what the effect of this relationship would be or why it would provide unacceptable living conditions or be a nuisance to future occupiers. I note that there is no Environmental Health comments put forward.

11. There is no suggestion that the dwelling would be occupied separately from the stables. In the absence of evidence in regard to any adverse environmental effects, I conclude that it would not provide inadequate living conditions for future residents and would not be contrary to LP policy BE1 and the Framework paragraph 64 in that regard. Nonetheless, this is insufficient to outweigh the harm in respect of the first main issue.

Conclusions

12. For the reasons given above in respect of the first two main issues, I conclude that the appeal should be dismissed.

Julia Gregory

INSPECTOR