

## Appeal Decision

Site visit made on 10 November 2015

**by Elizabeth Pleasant BSc(Hons) DipTP MRTPI**

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

**Decision date: 7 January 2016**

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**Appeal Ref: APP/K2420/W/15/3049337**

**Craigmore Farm, Merrylees Road, Newbold Verdon, Leicester LE9 9NR**

- 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 Stephen Goodman against the decision of Hinckley & Bosworth Borough Council.
  - The application Ref 14/00944/FUL, dated 22 September 2014, was refused by notice dated 1 December 2014.
  - The development proposed is rebuilding of the dwelling house with garage and associated development.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this case are:
  - Whether the proposal would be appropriate in principle in such a location in the light of relevant local and national policies; and
  - The effect of the proposal on the character of the landscape.

### Reasons

*Whether the proposal would be appropriate in principle*

3. The appeal site is situated in an area of countryside, surrounded by open fields and approximately 1.5km from the village of Newbold Vernon. It takes access from Merrylees Road which is a quiet country lane. The site is that of a former farmstead known as Craigmore Farm which now comprises an area of concrete hardstanding, formerly the farm yard; the brick foundations of the original farmhouse and a small number of buildings which are used for stabling and for storage. There is also a ménage, a vegetable garden and a small orchard. Horses and sheep graze the adjoining fields. The site is used by the appellant as a smallholding and equestrian yard.
  4. Newbold Verdon has a good range of services and facilities. To access these services from the appeal site it would be necessary to walk or cycle along
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country lanes which are predominantly unlit and without pavements or cycleways. There are public rights of way linking Merrylees Road to the village but these involve walking across fields and would only be suitable for use on the driest days in daylight hours. The nearest bus stop is just less than a kilometre away. It is therefore reasonable to conclude that occupiers of the development would be reliant on the use of vehicles to access the most basic facilities and services such as shops, schools, employment and health services.

5. The appellant attaches great weight to the argument that it is currently necessary to visit the appeal site frequently to tend to the horses and sheep, and by being able to live on the site it will reduce the need for these journeys and would be more sustainable. However, living on the site would still require use of vehicles to access the shops, schools and other services which are currently available to him in Newbold Vernon where he currently resides. I cannot agree that the appeal proposal would result in significantly less journeys than those that currently take place, and I conclude that the appeal site is not sustainably located and would fail to meet the National Planning Policy Framework's (the Framework) aim to promote sustainable patterns of development and give people a real choice about how they travel.
6. The appeal site, which is set well back from Merrylees Road, is surrounded by open fields. The nearest properties are Chater Farm and dwellings located in Newbold Heath. These properties are barely visible from the site and the appeal proposal would be an isolated dwelling in the countryside, and as such a form of development that paragraph 55 of the Framework seeks to avoid unless there are special circumstances. No such circumstances exist in this case, nor would the proposal be a form of development permitted by saved Policy NE5 of the Hinckley and Bosworth Local Plan 2001 (Local Plan) which permits in certain circumstances, development in the countryside.
7. I conclude that the proposal would not be appropriate in principle in this location and would be contrary to paragraph 55 of the Framework which seeks to avoid the development of isolated dwellings in the countryside.

*Character of the landscape.*

8. The appeal site lies within an area of open rolling countryside characterised by small villages with occasional farmsteads in the fields that surround them. Its nature is open and agricultural. Whilst there are a small number of buildings on the site, these are low rise and utilitarian in form. In contrast the appeal proposal would be a substantial residential property with a detached garage and large domestic curtilage. Albeit an attractive vernacular design with some sustainable build credentials, the dwelling and garage would introduce a form of built development that would diminish the positive contribution that the undeveloped site makes to this rural landscape. The appeal proposal would be visible to public views, both from the road and the public footpath that runs in the fields to its south west. The proposed dwelling and garage would erode the open and rural character of this part of the countryside.
9. I conclude therefore that the proposal would significantly harm the character of the landscape and therefore fails to comply with Policies BE1(a) and NE5 of the Local Plan which seek to ensure that where new development is permitted it complements or enhances the character of the surrounding area in respect of its siting and design and does not have an adverse effect on the appearance or character of the landscape.

## **Other Matters**

10. The appellant considers that the existence of a dwelling on the site nearly forty years ago provide special circumstances for the appeal proposal. The Inspector who dismissed a previous appeal for a dwelling on this site in 2010, Ref: APP/K2420/A/10/2130705 found that residential use of the site had been abandoned when the original farmhouse was demolished in the 1970's. He also found that a new dwelling would be an unsustainable form of development in the countryside. Subsequent applications to the Local Planning Authority for a certificate of lawful proposed development for a replacement dwelling have also been refused. I have no evidence before me that would lead me to draw a different conclusion.
11. It is not disputed that the Framework encourages the re-use of previously developed land. However, given the guidance set out Annex 2 of the Framework, and the current nature of the appeal site, it is arguable that the site should no longer be considered as previously developed land. Furthermore, the use of previously developed land is only one strand of sustainable development and any benefits accrued by its re-use would be significantly and demonstrably outweighed by the harm I have found in the unsustainable location of the appeal proposal and harm caused to the character of the landscape, when assessed against the Framework taken as a whole.
12. The appellant also attaches great weight to the support he has from the Parish Council, Newbold Heath Residents Association and local residents. Paragraph 66 of the Framework, to which I have been directed, seeks engagement with the community in respect of design as opposed to the principle of development. The Framework does encourage community involvement in Plan Making; however it is clear in its paragraph 49, that housing development should be considered in the context of a presumption in favour of sustainable development. I have had regard to the number of third party representations in support of this appeal, however I am mindful that the harm identified would be permanent and is not outweighed by this support.
13. I have also noted that consideration was given by the Council in 1992 to locating a permanent gypsy site on the appeal site. This was clearly not progressed and I have no further details on this matter.

## **Conclusion**

14. For the above reasons and taking account of other matters raised, I conclude that the appeal should be dismissed.

*Elizabeth Pleasant*

INSPECTOR