The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission. The appeal is made by Mr L Orridge against the decision of Melton Borough Council. The application Ref 16/00918/OUT, dated 5 December 2016, was refused by notice dated 27 February 2017. The development proposed is described as ‘Proposed courtyard of 6 dwellings. Each dwelling to have 2 or 3 bedrooms’

Decision

1. The appeal is allowed and planning permission is granted for proposed courtyard of 6 dwellings, each dwelling to have 2 or 3 bedrooms at Syonsby Grange House, Asfordby Hill, Asfordby LE14 3RB in accordance with the terms of the application, Ref 16/00918/OUT, dated 5 December 2016, and the plans submitted with it, subject to the following conditions:

a) Details of the appearance (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

b) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

c) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

d) The development hereby permitted shall be carried out in accordance with the following approved plans: OS Plan – Drawing No 7214 P OS and Indicative Site Layout – Drawing No 7214 P 01.

e) The development hereby permitted shall comprise of no more than 6 dwellings, each of which shall be single storey only.

f) The soft landscaping works as shown on Indicative Site Layout – Drawing No 7214 P 01 shall be carried out before any part of the development is first occupied. Also, before the development is first occupied a schedule of landscape management and maintenance for a period of 3 years shall be submitted to and approved in writing by the local planning authority. Maintenance and management of the landscaping shall be thereafter carried out in accordance with the approved schedule.
Preliminary Matters

2. The application was submitted in outline with all matters except for appearance, which is reserved for future consideration.

3. Drawing no 7214 P 01, which shows the layout of the proposed development is titled ‘Indicative Site Layout’. However, this application includes and requires the determination of the ‘layout’ for the proposed development. Accordingly, for the purposes of determining this appeal and my Decision, Drawing No 7214 P 01 is the definitive layout for the proposed development.

Main Issues

4. The main issues are: whether the appeal site is in a location accessible to services and facilities by sustainable modes of travel, and; the effect of the proposed development on the character of the countryside.

Reasons

Accessibility to services and facilities

5. Located along the eastern edge of the small village of Asfordby Hill, the appeal site comprises a broadly rectangular paddock area to the front of ‘Syonsby Grange House’.

6. The Council is concerned that occupiers of the proposed development due to the lack of facilities and services in Asfordby Hill would have to travel by car to other neighbouring towns for their day to day needs. In doing so the Council has referred me to Policy SS3 of the Emerging Local Plan\(^1\) and Paragraph 17 of the National Planning Policy Framework (the Framework), which amongst other matters seeks to; ‘actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable’.

7. The Emerging Local Plan identifies Asfordby Hill as a ‘Rural Hub’ which is defined as a ‘village or a group of villages which share a range of essential and important local services which serve the basic needs of people living within them and in nearby settlements, which can be accessed by cycling and walking. Residents will generally travel to nearby towns and cities to meet their retail, leisure and employment needs….Settlements within 500m of a Service Centre or 2.5km of Melton Mowbray are also identified as a Rural Hub, due to their proximity to services and facilities’.

8. Policy SS3 of the Emerging Local Plan supports developments of unallocated sites for up to 5 dwellings in Rural Hubs, subject to certain criteria therein.

9. However, paragraph 216 of the Framework states that; ‘decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given)’. In this particular case, I note that the Emerging Local Plan has not yet been the subject of an independent examination. Consequently, I attach limited weight to Policy SS3 of the Emerging Local Plan.

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\(^1\) Pre Submission Draft Melton Local Plan.
10. The appellant points out that there are some services and facilities within the village of Asfordby Hill, including a primary school, playing fields, a garden centre, shops, restaurant, employment opportunities and a social club. Whilst, I acknowledge that Asfordby Hill has some services and facilities, based on my observations, I am not persuaded that these would be sufficient to meet the day to day needs of residents. However, the appeal site lies west of the town of Melton Mowbray and is one of the closest villages to it. There are also regular bus services to and from Melton Mowbray, via Asfordby Hill. Consequently, I am satisfied that the future occupiers would have a range of services and facilities available to them without being reliant on private motor vehicles.

11. Furthermore, the appellant in his 'final comments' has referred me to a Planning Committee Report in respect of a planning application for residential development very near the appeal site\(^2\). This report concludes that the site performs reasonably well in terms of access to facilities and transport links, particularly Melton Mowbray. Geographically, I see very little difference between this site and the appeal site in terms of accessibility to services and facilities.

12. Consequently, for the above reasons I conclude that the proposal would not conflict with the Framework in terms of promoting sustainable patterns of development.

**Character of countryside**

13. The appeal site is located outside of the town and village envelopes of the Melton Local Plan 1999 (LP).

14. Saved LP Policy OS2 prohibits development outside of the town and village settlement boundaries with some exceptions, which are affordable housing, development essential to the operational requirements of agriculture and forestry, and for other small scale development as set out in the policy’s criteria. The proposed development does not meet these criteria and is therefore in conflict with this policy.

15. The main focus and purpose of Policy OS2 of the LP appears to be to protect the character and appearance of the countryside and this is consistent with the Framework. However, the Framework does not reflect the strong prohibition on development in the countryside that is set out in Policy OS2 of the LP.

16. The Framework has at its heart a presumption in favour of sustainable development, together with an acknowledgement that the intrinsic character and beauty of the countryside should be recognised. Although this does not provide a 'green light' for wholesale development of the countryside, the Framework clearly provides a more flexible strategy for controlling development in the countryside than is the case with Policy OS2 of the LP. I attach significant weight to the Framework in reaching my decision.

17. The appeal site is located between an existing dwelling to the south, substantial infrastructure in the form of a roundabout and road to the north and playing fields and associated car park to the west. There is also a garden centre and restaurant south-west of the appeal site. As such, with the

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\(^2\) Ref 16/00907/OUT – Outline application for the development of 14 dwellings with associated vehicular access and public open space. Recreation Area, Melton Road, Asfordby Hill.
exception of its eastern boundary the appeal site is contiguous with existing
development and uses.

18. Therefore, despite its verdant character attributed by the existing trees and
extensive hedging along its boundaries, which are to be retained, in my
judgement, the appeal site along with the other developments and uses
mentioned above form part of the semi-rural edge to the built-up parts of
Asfordby Hill rather than being part of the adjacent more distinct open
countryside.

19. Furthermore, due to the proximity of existing development near to the appeal
site and having regard to paragraph 55 of the Framework the proposal would
not represent ‘isolated’ dwellings in the countryside.

20. Although no elevations of the proposed buildings have been provided at this
stage, in the Design and Access Statement accompanying the planning
application it is stated that the proposed buildings would be single storey and
designed as a group of agrarian buildings to complement the sites edge of
village location. I note that the proposed garden areas are to be located
adjacent to the boundaries with the highway to the south and open countryside
to the east. This would assist in keeping development away from the
boundaries and reducing the prominence of the built form. Therefore, having
regard to the proposed single storey scale, layout and the retained
landscaping, I am satisfied that the proposal would continue to retain the edge
of village, semi-rural character of the appeal site and surrounding area.

21. The Council has referred to Saved Policy BE1 of the LP, which restricts the
granting of planning permission for new buildings, unless specific design
criteria are addressed. This policy is generally consistent with the aims of the
Framework to always seek to secure high quality design and a good standard of
amenity for all existing and future occupants of land and buildings, taking
account of the different roles and character of different areas. Whilst this policy
can therefore be given substantial weight, the Council’s reason for refusal does
not relate to the design of the dwellings, which is not for consideration at this
stage.

22. The effect of this proposal relates less to the requirement of Policy BE1 of the
LP for the design of the dwelling to harmonise with its surroundings, and more
with effect it would have on the character of the area. However, for the reasons
set out above the proposed development would not harm the character of the
countryside and therefore would not conflict with the general aims of Policy BE1
of the LP.

Other considerations

23. In this particular case the appellant has advanced a number of benefits arising
from the proposal, which include the provision of up to six additional dwellings.
Therefore, bearing in mind the objective of paragraph 47 of the Framework,
the proposal would assist towards boosting significantly the supply of housing.

24. There would also be economic benefits associated with the proposal including
the creation of construction jobs. Additionally, as already stated the appeal site
is on the edge of Asfordby Hill, which has some existing services and facilities.
Although the scale of the proposed development is small it is not insignificant
and the additional households would therefore assist in supporting the viability
of existing services and facilities. This fits with the general thrust of paragraph 55 of the Framework which states that housing should be located where it will enhance or maintain the vitality of rural communities.

25. In refusing the proposed development the Council had regard to a number of appeal decisions, as set out in the Council’s ‘Planning Appraisal–16/00918/OUT’. Similarly, the appellant has referred me to appeal decisions in support of the proposal. Whilst, I have been provided with some details I was not provided with the individual circumstances of these cases and I am unable to ascertain if they are directly comparable to the scheme before me. I have therefore afforded them limited weight in my overall Decision. In any event, each application and appeal must be determined on its individual merits and this is the approach that I have taken.

Planning Balance

26. The proposal would be in conflict with Policy OS2 of the LP. Planning proposals must be determined in accordance with the development plan unless material considerations indicate otherwise.

27. Nevertheless, for the reasons I have already given I attach only limited weight to this conflict. Furthermore, I have found that the location of the proposed development is accessible to services and facilities by sustainable modes of travel, and that the proposed development would not harm the character of the countryside.

28. Moreover, I have identified the social and economic benefits of providing additional housing. I attach significant weight to the provision of up to six dwellings.

29. Having considered all material considerations, in this case they outweigh the conflict with the development plan.

Conditions

30. I note the planning conditions, which have been referred to by the Council and proposed by the appellant and considered them against the tests in the Framework and the advice in the Planning Practice Guidance and have made such amendments as necessary to comply with those documents.

31. I have attached conditions limiting the lifetime of the planning permission and setting out the requirements for the reserved matters in accordance with the requirements of the Act. A condition limiting the quantum and scale of the development is appropriate, having regard to the character of the area.

32. The appellant has suggested a condition to provide details of landscaping. However, the ‘Indicative Site Layout – Drawing No 7214 P 01’ includes details of soft landscaping. As such, a condition requiring further details is not necessary. However, in the interests of the appearance of the development a condition to ensure the satisfactory provision and maintenance/management of the proposed landscaping is imposed.

33. Given the modest scale of the proposed development, which is serviced off a private driveway, I am not persuaded that a construction traffic/site traffic management plan is required in this particular case.
34. A condition requiring the provision of the proposed parking areas is not necessary as there is sufficient on-site space for parking within the appeal site. Consequently, I am also not persuaded that the proposal would result in any significant on-street parking problems.

35. I have not imposed conditions relating to details of elevations and materials, including those for the surfacing of the proposed parking and turning areas as these would be dealt with under ‘reserved matters’.

**Conclusion**

36. For the reasons given above, I conclude that the appeal should be allowed.

*M Aqbal*

INSPECTOR