



## Appeal Decision

Site Visit made on 18 May 2021

**by M Russell BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 01 September 2021**

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**Appeal Ref: APP/T2405/W/21/3268961**

**Land adjacent to Strawberry Cottage, Hinckley Road, Sapcote, LE9 4LG**

- 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 M Woodward against the decision of Blaby District Council.
  - The application Ref 20/0373/OUT, dated 12 March 2020, was refused by notice dated 1 October 2020.
  - The development proposed is described as 'eight serviced plots to provide for self-build and custom dwellings'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The proposed development has been screened in accordance with the Environmental Impact Assessment (EIA) Regulations 2017. It has been concluded that the development would not be of a scale and nature likely to result in a significant environmental impact and EIA is therefore not required.
3. I have taken the postcode for the appeal site from the Council's decision notice and the appellant's appeal form.
4. The proposal seeks outline planning permission with details of access sought for approval. Therefore, I have assessed the details of appearance, landscaping, layout and scale shown on the plans on the basis that these details are shown for indicative purposes only.
5. The Council has confirmed that during the appeal process, the Fosse Villages Neighbourhood Plan (NP) which includes the parish of Sapcote amongst others, was 'made' on 17 June 2021 and that there have been no changes to the policies submitted with their appeal questionnaire. Consequently, the NP now forms part of the development plan for the area and I attach full weight to these policies as part of my assessment.
6. Since the appeal has been lodged the revised National Planning Policy Framework (the Framework) has been issued on 20 July 2021. The main parties have therefore been given an opportunity to provide further comments in this respect. Whilst no comments have been received, I have given regard to the Framework as revised as part of my assessment.

### Main Issues

7. The main issues are:
  - whether the appeal site would be a suitable location for the proposed development, having regard to the development plan and national policy

including the effect of the proposal on the character and appearance of the area; and

- whether the proposal would give rise to highway safety issues.

## **Reasons**

### *Location including character and appearance*

8. Policies CS1 and CS5 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) (the Core Strategy DPD) set out the Council's 'Strategy for locating new development' and how housing in the area is to be distributed. Together these policies confirm amongst other things that most new development including housing will take place within and adjoining the 'built up areas' of the Principal Urban Area (PUA) of Leicester. Lower levels of growth will be allowed in the Rural Centre, Medium Central Villages and Smaller Villages where the scale of development will reflect the settlement's range of available services and facilities and public transport alternatives.
9. Sapcote is identified as a Medium Central Village in the Core Strategy DPD and therefore is a location where lower levels of growth will be allowed. Policy FV7 (Housing Provision) of the NP sets out the housing requirement for Sapcote and the pre-text to this policy confirms amongst other things that as at 31 March 2017, dwellings built and committed at Sapcote exceeded the minimum requirements for the village. Policy FV8 (Windfall Housing) of the NP supports proposals for housing development 'within the limits to built development'. There is no dispute between the parties that the site is located outside the settlement boundary for Sapcote as defined in the development plan. Consequently, the site is located in the countryside for the purposes of decision making.
10. 'Outside the Limits to Built Development' Policy FV8 confirms that support for proposals for housing development will be limited to a series of exceptions one of which is small scale housing in the most sustainable locations, assessed against the need to retain the countryside. A requirement to balance the need to retain the countryside against the need to provide housing in the most sustainable locations is also included within Policy CS18 (Countryside) of the Core Strategy DPD.
11. Development Management Policy 2 (Development in the Countryside) of the Blaby District Local Plan (Delivery) Development Plan Document (2019) (the Delivery DPD) supports development proposals consistent with Core Strategy Policy CS18 subject to several criteria being met including that development is in keeping with the appearance and character of the existing landscape, development form and buildings.
12. When leaving Sapcote and travelling in a westerly direction along Hinckley Road, development close to the road frontage becomes more sporadic after passing the dwellings that are accessed from Rookery Close. Intervening land to the south of the road, including the appeal site, and the mature trees and hedgerows which dominate the roadside ensure that the section of Lime Avenue which extends westwards is not highly perceptible from Hinckley Road. Sapcote Garden Centre to the north of Hinckley Road sits within a wider landscape predominantly consisting of fields. Consequently, the appeal site is

- appreciated as siting within a predominantly rural landscape beyond the settlement edge of Sapcote for those passing by on Hinckley Road.
13. I acknowledge that the layout of the development is reserved for subsequent approval. Even so, the access point would be fixed and would open up views into the site. The shape of the site and the number of dwellings proposed would be likely to necessitate buildings being positioned in a similar way to that shown on the indicative layout with dwellings orientated to face the proposed access road within a series of individual plots extending away from Hinckley Road. Consequently, the parameters of the site and the density of development proposed would be likely to introduce a more urban arrangement of buildings that would be at odds with more spacious and dispersed pattern of development which defines the landscape to this section of Hinckley Road.
  14. I am mindful that Policy CS18 seeks to resist development that results in a significantly adverse impact on the landscape. Even so, this does not mean that any other harm is acceptable when considered against the need to retain the countryside. The proposal would result in adverse harm to the character and appearance of the countryside and this includes landscape harm where such harm would be moderately adverse. The Council has confirmed it can demonstrate a 7.1-year housing land supply and this has not been disputed. Therefore, given the location of the site outside the limits to built development, in a location where lower levels of development are anticipated in the settlement hierarchy and where minimum housing requirements within the nearest settlement have already been exceeded, I am not persuaded that the provision of housing in this location outweighs the need to retain the countryside in this particular instance.
  15. I conclude the countryside is not a suitable location for the development and that the proposal would result in adverse harm to the character and appearance of the area. In that regard, the development would undermine the strategic objectives of the development plan to direct development towards the most sustainable locations and would conflict with the character and appearance aims in CS1, CS5 and CS18 of the Core Strategy DPD, Development Management Policy 2 of the Delivery DPD and Policy FV8 of the NP. For the same reasons, the development would also conflict with the Framework which amongst other things endorses a plan-led approach and sets out that decisions should recognise the intrinsic character and beauty of the countryside.

#### *Highway safety*

16. The appeal site is located on the B4669 Hinckley Road. There is a crest in the road to the west of the site and the access point serving Sapcote Garden Centre is situated opposite and slightly to the west of the proposed access point.
17. My attention has been drawn to Policy IN5 of the Leicestershire Highway Design Guide (LHDG). The extract provided by the Local Highway Authority (LHA) states amongst other things that on A and B Class roads, the LHA will apply restrictions on new accesses for vehicles on roads with a speed limit above 40mph (that is 50mph, 60mph or 70mph) or where measured speeds are in excess of 40mph. Even so, I am conscious that this is guidance and Paragraph 111 of the Framework confirms that development should only be prevented or refused on highway grounds if there would be an unacceptable

- impact on highway safety, or the residual cumulative impacts on the road would be severe. Therefore, the site-specific context must be considered.
18. The eastbound speeds recorded in the Highways Impact Statement (Bancroft Consulting) (HIS) recorded 85%ile eastbound speeds of 48.01mph (45.53mph wet weather). Subsequent to this a Stage 1 Road Safety Audit (the Audit) identified that for drivers leaving the proposed access when looking westwards, the crest in the road would partially restrict a driver's view of oncoming vehicles and equally the view of oncoming traffic in respect of vehicles leaving the proposed access. Based on the speed results in the HIS, the Audit identified a 'risk of pull out / rear end shunt type collisions' and recommended amongst other things that visibility in the vertical plane is checked to ensure this corresponds to the design speed of Hinckley Road.
  19. The appellant's 'Highways and Transportation Appeal Statement' (January 2021) (HTAS) confirms that analysis work has been undertaken to provide visibility splays in the vertical plane in accordance with the recommendations of the Audit. A copy of Table DG4 of the LHDG is provided within the HTAS and this indicates visibility splays of 160m are required at 'junctions bends and vertical crests' for 85%ile vehicle speeds between 45 and 53 mph. This corresponds with the requirement for a 2.4m x 160m splay referenced in the LHA appeal statement.
  20. A drawing is attached at Appendix B to the HTAS (ref 24486\_08\_020\_01). This drawing shows that a 2.4m x 160m visibility splay can be provided. Whilst this is not acknowledged in the LHA appeal statement, the drawing provided persuades me that the required visibility standard could be achieved. The evidence before me also indicates that the width and junction radii on the shared access drive would accord with the requirements in the LHDG. Conditions could be attached to ensure the access point would be provided in accordance with these details.
  21. The LHA has also raised concerns in respect of junction spacing with particular regard to the access point to Sapcote Garden Centre. In that regard, the LHA has referred to Figure DG3 in the LHDG. However, from the evidence before me Figure DG3 relates to the spacing of junctions on the same side of the carriageway to ensure adequate visibility can be achieved. Therefore, this particular part of the guidance does not apply in this instance. Furthermore, given the close proximity and good visibility between the proposed access and the Garden Centre access, drivers exiting the respective access points would be able to anticipate vehicular movements on the opposite side of the road. I am therefore satisfied that the predicted 45 daily trips to and from the site could be safely accommodated.
  22. The LHA have queried the validity of the speed survey undertaken given a survey permit was not acquired from the LHA. However, I have no contrary evidence to suggest that the speeds recorded cannot be relied upon nor does the Personal Injury Collision data of a single collision within 500m of the site convince me that the proposal could not be safely accommodated having regard to the specification of the access and site-specific circumstances.
  23. Based on the evidence before me, I conclude that the development would not result in an unacceptable impact on highway safety. In that regard, it would comply with the requirements for all new development to meet highway design standards in Development Management Policy 8 of the Delivery DPD and the

requirements in the Framework to ensure that development provides safe and suitable access. The proposal would also comply with the specified visibility of the Leicestershire Highway Design Guide.

### **Other considerations**

24. There is some third-party support for the proposal, particularly in respect of the need for self-build plots. The Framework recognises the need to provide housing for different groups including for people wishing to commission or build their own homes. Development Management Policy DM10 (Self and Custom Build Housing) of the Delivery DPD also supports such development in suitable locations.
25. Even though there are likely to be more sustainable locations for self and custom build housing within the settlement boundaries of larger settlements, I acknowledge that the site is located in relatively close proximity to the services, facilities and public transport links that Sapcote has to offer. Furthermore, the appellant has provided evidence to suggest that there are 54 individuals on the self-build register. The Council has confirmed that it has not knowingly granted planning permissions for self-build housing. In the absence of evidence that the Council is in a position to meet any of the demand for self-build plots, the provision of 8 self-build plots to the housing mix in the area has the potential to attract very positive weight in favour of the proposal.

### **Conclusion**

26. Paragraph 12 of the Framework confirms amongst other things that the development plan is the starting point for decision making and where a planning application conflicts with an up-to-date development plan, permission should not usually be granted unless material considerations in a particular case indicate that the plan should not be followed.
27. I have concluded that the countryside would not be an appropriate location for development and the proposal would result in adverse harm to the character and appearance of the area. In the context of the Council's positive housing land supply position, these are matters which amount to very significant harm.
28. I have found that the provision of 8 self-build plots has the potential to attract very positive weight in favour of the development. However, this weight is somewhat diminished in the absence of a signed and dated planning obligation to secure the dwellings as self-build plots. Even if the planning obligation provided had been signed, and notwithstanding the Council's concerns in respect of the relatively short period of 9 months marketing specified before the dwellings could be released to the open market, the provision of self-build units would not in this instance outweigh the very significant harm identified.
29. The development would conflict with the development plan as a whole and would not amount to sustainable development. There are no other considerations, including the policies in the Framework that would outweigh this conflict.
30. Therefore, for the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*M Russell* INSPECTOR