



Appeal Decision

Inquiry held on 3 and 4 November 2010

Site visit made on 4 November 2010

by John Chase MCD Dip Arch RIBA MRTPI

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

Decision date: 2 February 2011

Appeal Ref: APP/F2415/A/10/2128267

Buckswell Field, off Berry Close, Great Bowden, Market Harborough, LE16 7ES

- 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 The Matthews Trust against the decision of Harborough District Council.
 - The application Ref 10/00120/OUT, dated 25 January 2010, was refused by notice dated 14 April 2010.
 - The development proposed is residential development, estate road and open space.
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Procedural Matters

1. The application was made in outline with all matters reserved except access. The submission included an illustrative plan showing a possible site layout.
2. The main parties have agreed a deed made under Section 106 of the Town and Country Planning Act 1990 concerning infrastructure and affordable housing.

Decision

3. The appeal is dismissed.

Main Issues

4. The second, third and fourth reasons for refusal of the planning application, concerning archaeology, flooding and protected species, may be resolved by the use of planning conditions. The outstanding main issues are whether the development would harm the character and appearance of the countryside and the setting of Great Bowden and Market Harborough and, if so, whether that harm would be outweighed by the need for housing in the area.

Reasons

Countryside

5. The development site is a field of about 2ha adjoining residential development on the southern side of Great Bowden, close to where the village abuts Market Harborough. Whilst the application is in outline, illustrative plans indicate that a development of 56 houses would be possible, of which 17 would be affordable. Access would be taken from the existing cul-de-sac at Berry Close. Great Bowden is a relatively spread out settlement, with development following the line of roads radiating from the village centre, which is approximately 500m to the north of the site.

6. The site falls within countryside outside the settlement boundary, where Policy EV/5 of the Harborough District Local Plan (LP), adopted 2001, indicates that development will be strictly controlled. Any development which is permitted should, amongst other matters, relate to the rural economy, and not have a harmful effect on the character and appearance of the countryside, views in and out of the village, or the separation of settlements. This latter point is reinforced by Policy EV/3, which includes the site in an area of land between Great Bowden and Market Harborough where development should not adversely affect its open character or reduce the open land separating the settlements. These policies form the main basis of the Council's case. The appellants' concerns about the age of the Local Plan are noted, but the relevant policies have been saved, and there is no indication that they are at variance with current Government advice, or that their broad thrust will not be carried into the emerging Core Strategy. Three earlier appeals on this land have given weight to its status as countryside and role in separating communities.
7. Dealing first with the implications of Policy EV/5, the evidence does not indicate that the development would have a significant effect in terms of sustaining or improving the rural economy, and this criterion would not be met. With respect to the effect on the countryside, the appellants have provided a comprehensive analysis of the landscape character of the area, and the perception of the site from different viewpoints, some of which were visited during the site inspection. The analysis identifies the level and well enclosed nature of the site, and distinguishes it from the rising land to the south, and the more open fields to the east. Support for this is sought in the Council's background report entitled *Market Harborough Landscape Character Assessment and Landscape Capacity Study (LCS)*, 2009. However, whilst the differences are noted, the overall impression of the site is as an integral part of the pastoral landscape between Great Bowden and the River Welland. The well developed hedgerows provide a degree of visual enclosure, but not so as to give the site a distinctly separate character from its surroundings.
8. In this location, the village has a clearly defined boundary, running along the western side of the site. The estate would not appear as a natural continuation of the settlement, but as an incursion into the open landscape, surrounded on three sides by fields, which, in the case of those to the north and south, would become narrow tongues of countryside projecting into the built up areas. In addition, the greater depth of development would diminish the views of open fields currently available from Station Road, and would create a more suburban character to the public footpath which crosses the northern part of the site, to the detriment of the rural character of the village and its close connection with the surrounding countryside.
9. Turning to Policy EV/3, the accompanying text indicates that the designation of a zone of separation is required to prevent coalescence of the settlements. Despite the proximity of Market Harborough, Great Bowden retains an independent identity, which relies on the maintenance of physical and visual separation. At present, the southern part of the village is isolated from Market Harborough by a narrow strip of undeveloped land where the road crosses the railway, widening out on either side as the countryside passes around the village. This is a sensitive location, where an increase in built form would have a significant effect on both settlements by increasing the perception of Great Bowden as a northern extension of Market Harborough.

10. It is certainly the case that the most important contribution to separation is made by the open land immediately adjacent to the road. Nonetheless, the development of the southern portion of the appeal site would be partially visible from the elevated position of the road entering the village, especially during the winter months. The reduced openness of the land, in combination with the narrowness of the strip of countryside remaining to the south of the site, would diminish the sense of separation, and increase the tendency towards coalescence. Additional landscaping would help to limit the impact, but would not adequately compensate for the loss of openness.
11. For these reasons, it is concluded that the development would be contrary to the objectives of LP Policies EV/3 and EV/5, by harming the character and appearance of the countryside and the setting of Great Bowden and Market Harborough.

Housing Need

12. The East Midlands Regional Plan, adopted as the Regional Strategy in 2009, sets the objective of 7000 new dwellings in Harborough District by 2026. The Council indicated at the time of the Inquiry, when the Regional Strategy had been revoked, that it was the intention to maintain the housing levels contained within it, and therefore its subsequent reinstatement does not affect the substance of the parties' cases.
13. The long term means of satisfying this housing need will be met in the emerging Local Development Framework, but in the meantime it remains necessary to show a five year supply of deliverable housing land, as specified in Planning Policy Statement 3 (PPS3). This is a dynamic situation, and the Council have produced a number of figures during the course of the appeal process, the latest of which indicates a shortfall of 183 dwellings, equating to a supply of 4.44 years.
14. In these circumstances, where a five year supply cannot be shown, PPS3 requires the planning authority to give favourable consideration to housing proposals. It is the appellants' contention that the site is appropriate for development and that it would help to overcome the shortfall. Reference is made to the *Strategic Housing Land Availability Assessment (SHLAA)*, 2010, identifying the site as potentially suitable, available and achievable as housing land, and the LCS, which indicates that the site would have a medium capacity to accommodate residential development. In addition, the proposal would contribute towards the annual objective of 80 affordable homes, which represents a small portion of the identified demand for such housing.
15. These points are noted. However, whilst the shortfall of housing land availability is a material consideration, the suitability of the land to satisfy this need is tempered by its impact on wider planning objectives. The SHLAA and LCS recognise the ability of the site to accommodate housing, but this must be seen in the context of the status of the land as open countryside, separating settlements, and the conclusions of these reports do not outweigh the aims of the Local Plan policies in this regard. Whilst an appeal decision of February 2010 (Land off Glebe Road, Market Harborough, APP/F2415/A/09/2114425) determined that the housing need was of sufficient importance to overcome the countryside objections to that proposal, there are significant differences between the schemes, including that the Glebe Road site does not fall within a designated area of separation. The circumstances and policy background of the present proposal indicate that a different balance should be struck.

16. With respect to the availability of alternative land, a number of sites identified in the SHLAA would be unlikely to come forward within the 5 year period, and there is no certainty surrounding the outcome of other planning applications which are currently under consideration. However, the evidence does not amount to a compelling case that the shortfall could not be satisfied on land where less environmental harm would arise, including that which has been previously developed.
17. It is concluded that the need for housing would not outweigh the harm arising to the countryside and the setting of Great Bowden and Market Harborough.

Other Matters

18. In light of the conclusions above, the Section 106 Agreement will be dealt with briefly. The provision of affordable housing is justified by LP Policy HS/4, and is required to satisfy an identified need. LP Policies IM/1 and IM/2 refer to the expectation that development will provide for infrastructure and facilities, commensurate with the scale and nature of the project. Contributions are to be made to civic amenities, police, education, maintenance of playground equipment, off-site recreation, and transport, with monitoring fees for both the County and District Councils. Some specific projects with a functional and geographic link to the site are identified, and planning guidance referred to. However, the interim status of *Planning Obligations, Developers Guidance Note, 2009*, limits the weight that may be applied to this document, and the lack of detailed justification for the level of contributions falls short of proving that the obligations would fully meet the recommendations of Circular 05/2005, including that they would be directly related to the scale and impact of the development. Weight is not allocated to those aspects of the Agreement where there is insufficient evidence that the tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010 have been satisfied.
19. A number of other matters have been raised by third parties. Whilst the construction of new housing on land which has hitherto been open would have some effect on the residents of Berry Close, the evidence does not indicate that living conditions would be unduly affected by the development. The additional traffic would not be so great as to create an unusual level of noise and disturbance, and it would be possible to avoid overlooking by the detailed design of the units. Concerns about flooding and drainage are susceptible to technical solutions, which could be obtained by planning conditions. There would be some increase in the traffic entering Station Road, and passing through the village, but the Highway Authority have not objected to the proposal on safety grounds, and the evidence does not justify a different view in this assessment. These, and the other matters raised, would not create additional grounds to dismiss the appeal.

Conclusions

20. The potential benefits of the scheme, including the contribution towards meeting market and affordable housing need, are recognised. However, these matters do not justify the harm caused to the countryside and the setting of the developed areas, leading to the conclusion that the appeal should be dismissed.

John Chase

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Smyth of Counsel	Instructed by Harborough District Council
He called	
Ms N Parry BA, MA, MRTPI	Panning Department, Harborough District Council

FOR THE APPELLANTS:

Mr I Dove QC	Instructed by Wilbraham Associates Ltd
He called	
Mr D Thomas BA, DipLA, MLI, MRTPI	Landscape Consultant
Mr L Wilbraham DipTP, MRTPI	Wilbraham Associates Ltd, Planning Consultants

INTERESTED PERSONS GIVING EVIDENCE:

Mr M Jack	Great Bowden Parish Council
Mrs S Hill	District and County Councillor
Mr P Knowles	District Councillor
Mrs N Holmes	Local Resident
Mrs J Driver	Local Resident
Mr D Storey	Local Resident
Mr P Beesley	Local Resident
Mr J Mears	Local Resident
Rev R Barribal	Local Resident
Mr M Lambert	Leicestershire Police

DOCUMENTS

- 1 Great Bowden Village Design Statement 2000
- 2 Market Harborough Landscape Character Assessment and Landscape Capacity Study 2009
- 3 Letter from Hallam Land Management to Harborough DC 29/10/10
- 4 Schedule of outstanding planning applications/appeals
- 5 Supply of deliverable housing sites: 6 month update October 2010
- 6 Projected build rates at Stretton Road, Great Glen 21/10/10
- 7 Opening submissions on behalf of the appellants
- 8 Planning performance agreement May 2010, Airfield Farm, Market Harborough
- 9 Certified copy of completed planning agreement under Section 106 of the Town and Country Planning Act 1990
- 10 Notification of appeal date and venue
- 11 Report to the Executive Meeting of 21/9/10 concerning the impact of the economic downturn
- 12 Appeal Decision APP/T2405/A/09/2118414, Leicester Rd, Countesthorpe
- 13 Local Plan Policies IM/1, IM/2, HS/4
- 14 'Policing Contributions from Development Schemes', Leicestershire Police Authority
- 15 Closing submissions on behalf of the Council
- 16 Closing submissions on behalf of the Appellants
- 17 Map showing viewing locations for site visit