

**APPEAL BY MR PAUL WALKER AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE PLANNING PERMISSION FOR A DETACHED DWELLING AT 133 SMITHY LANE, KNIGHTON**

**Application Number**                      **16/00312/FUL**

**LPA's Decision**                              **Refused by delegated powers on 13<sup>th</sup> June 2016**

**Appeal Decision**                              **Allowed**

**Date of Appeal Decision**                      **10<sup>th</sup> November 2016**

The Inspector found the main issue to be whether the proposal represents sustainable development in terms of its accessibility to facilities including community facilities, employment opportunities and other services.

In allowing the appeal, the Inspector made the following comments:

- The Council accepts that it is unable to demonstrate a five year supply of deliverable housing sites. Accordingly, the policies in the CS and LP relating to the supply of housing are therefore not up-to-date when considered in relation to paragraph 49 of the Framework. Therefore limited weight is attached to these policies in the determination of the appeal. Paragraph 14 of the Framework further advises that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework.
- The appeal site is located within the existing built form of Knighton. Either side of the site and on the opposite side of the lane there is well-established residential development. The proposed dwelling would be a logical infill development that would be read in the context of the existing built form. Accordingly, the proposal would not be a new isolated home for the purposes of paragraph 55 of the Framework.
- Due to the relatively small size of Knighton, community services and facilities within the village are limited to a village hall and a public house. Beyond the confines of the village there are a number of employment opportunities within 6km of the site including large employers such as Muller Yoghurt. The village of Woore is approximately 1.5 miles away, which provides a wider range of facilities and services, including a primary school, small food store, post office, shops, church and public houses. Although there is no longer a public bus service serving Knighton, there are buses that provide a pick-up/drop-off service for local schools and Muller also provides a service four times a day.
- Based on the limited facilities and services within Knighton, it is reasonable to conclude that the occupants of the proposed dwelling would likely be heavily reliant on the use of a private vehicle. Nevertheless, due to the proximity of a number of services, facilities and employment opportunities, the duration of journeys to these would be relatively short and therefore moderate weight is attributed to this harm.
- Whilst the proposal is for only one dwelling its occupants would make a positive contribution towards the community. It is reasonable to conclude that they would utilise its facilities and services not only in Knighton but Woore too, thereby helping to maintain the vitality of the rural community. Therefore it would follow the example set out in paragraph 55 of the framework which states that development in one village may support services in a village nearby.
- In addition to the social benefits of the proposal, the dwelling would also provide economic benefits by way of creating jobs during its construction and through its demand for building materials. Furthermore, the occupants of the dwelling would also make some economic contribution towards local services. Although these benefits would be limited, they do weigh in favour of the proposal.
- It is accepted that the proposal would likely result in an increase in traffic movements. However, this increase would be limited and, in this instance, it would be a moderate harm which would be outweighed by the social and economic benefits. The dwelling would be firmly located within an existing built form, would support local services within the community and would make a positive contribution, albeit limited, towards

the supply of housing. In the balance, the proposal would be in a sustainable location and represent a sustainable form of development in accordance with the Framework.

- As it is concluded that the proposal would be sustainable development and there is no identifiable harm that would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework when taken as a whole, in accordance with paragraph 14 of the Framework, planning permission should be granted and the appeal is allowed.

#### **Recommendation**

**That the decision be noted.**