
Appeal Decision

Site visit made on 26 August 2016

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 21 September 2016

Appeal Ref: APP/F1040/W/16/3143404

Land at junction of Fishpond Lane & Duck Street, Egginton, Derby, Derbyshire DE65 6HG

- 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 Ms Anna Harrison against the decision of South Derbyshire District Council.
 - The application Ref 9/2015/1051, dated 6 November 2015, was refused by notice dated 27 January 2016.
 - The development proposed is the erection of dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The South Derbyshire Local Plan Part 1 (LP Pt 1) was adopted on 13 June 2016. The appeal must be determined on the basis of the development plan at the time of my decision. Both main parties were given the opportunity to comment on the implications of the adoption of the LP Pt1 and I have taken the received reply into consideration in reaching my decision.

Main Issue

3. The main issue in this case is the effect of the proposed dwelling on the character and appearance of the surrounding area.

Reasons

4. Egginton is an attractive small village which primarily consists of two roads; Main Street/Church Road through the centre of the village, and Duck Street/Fishpond Lane, which form a U shaped lane connecting to Main Street at both ends. This street varies in character significantly throughout its length. The south western corner of the street, where the road changes name and the appeal site is located, is rural in character, providing a link to the countryside beyond the village. The site itself is a small agricultural field seemingly used for pasture.
 5. In views from the north along Duck Street, the site is reasonably well hidden behind trees and existing development on the west side of the street. From this angle the development would appear to be a continuation of the existing built form. However, from the east, in views along Fishpond Lane the site has a significantly different appearance. After the turning to the reasonably
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modern cul-de-sac on the north side of the Lane, the street has a rural character on its southern side with thick lines of trees and the development on the north side backing onto the Lane. Views lead along the sinuous Lane to and through the appeal site which allows a vista through the green site and towards the rural countryside beyond. The presence of a low flood berm towards the rear of the site does nothing to dispel this sense, as the ridge is low enough to readily allow views over and beyond it towards trees within the valley.

6. The proposal seeks to construct a fairly substantial 3 bedroomed house with separate detached garage. This would be sited roughly in the middle of the plot and would be 1½ storeys high. Whilst sympathetically designed, due to this siting the scheme would fail to respect the important vista down Fishpond Lane to the wider countryside beyond. The house would form a visual stop to the street, and would remove a substantial part of the current open views, extending the urban form of the village to the south west. The proposal would thus create the effect of the village encroaching into the countryside. Whilst there are trees at the front of the site these do not hinder views significantly, and would provide even less screening in the winter to the visually prominent proposal. Accordingly, I therefore consider that the proposal would have a significant adverse effect on the character and appearance of the surrounding area.
7. Policy BNE1 of the LP Pt1 states that all new development will be expected to embrace the principles of sustainable development. The proposal would generate one dwelling, and thus would have limited economic benefits. Limited social benefits of an additional property would also accrue. Details have been provided of issues at the site in the past due to fly tipping, thefts, and risks to animal health and it is considered by the appellant that a direct supervision of the land owned by the appellant would assist in dispelling such risks. However, I note that the appellant currently lives in the centre of the village, stated to be just some 200m from the site. This is not a significant distance and would still allow reasonably close supervision of the land. Accordingly I place minimal weight on this benefit.
8. When taken in the round, I do not consider that the limited benefits identified would outweigh the significant adverse effects of the proposal on the character and appearance of the area. The proposal would thus not be the sustainable development for which there is a presumption in favour of within the National Planning Policy Framework (the Framework) and in Policy BNE1. The harm caused to the character and appearance of the area would also be contrary to the stated intention of Policy BNE1 that all new development should create places with a locally inspired character that respond to their context and have regard to valued landscape and townscape characteristics, and to the core planning principle of the Framework that planning should take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside.

Other Matters

9. At the time of the appeal both parties were in agreement that the Council could not demonstrate a five year supply of deliverable housing sites. On the basis of the adoption of the LP Pt1 and in the absence of any evidence to the

contrary, the Council can now demonstrate such a supply, and accordingly the second part of paragraph 49 of the Framework is not engaged.

10. The Council decision notice refers to housing policies 5 and 8 of the South Derbyshire Local Plan, 1998 (the SDLP). These policies refer to development in village confines and that permitted outside of settlements. However, the latest evidence supplied to me by the Council considered that due to the age of the SDLP that these policies are not entirely consistent with the Framework's presumption in favour of sustainable development.
11. I note the reliance upon windfall development within the LP Pt1 required for the housing targets of the District to be met. The appellant also draws my attention to Policy BNE5 of the South Derbyshire Local Plan Part 2, which allows for some development outside of settlement boundaries. I also note the evidence relating to the consultation on changes to the Framework, which considers that development on small sites adjacent to boundaries should be supported if they are sustainable. However, both these documents do not form adopted policy, which limits the weight I can provide to them. Moreover, I have concluded above that the proposal would not constitute sustainable development.
12. Environment Policy 1 (EP1) of the SDLP states that outside settlements new development will not be permitted unless is it essential to a rural based activity or unavoidable in the countryside, and the character of the area would be safeguarded. The appellant refers to recent appeal decisions and considers that this policy does not impose a blanket ban on housing development outside settlement development limits. The supporting text to the policy indicates that the policy seeks to avoid isolated homes in the countryside unless special circumstances justify such homes, which accords generally with paragraph 55 of the Framework. Due to the presence of nearby development in this case I do not consider that the site in this case could be considered 'isolated'. However, the proposal would not safeguard the character of the area and would thus be contrary to this policy.

Conclusion

13. I have found that the proposal would have an adverse effect on the character and appearance of the area, and would be contrary to Policy BNE1 of the LP Pt1 and to the Framework, as well as to Policy EP1 of the SDLP. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR